

306
ST
v. 18 (pt. 29)

PART XXIX.

JOURNAL

OF THE

STATISTICAL AND SOCIAL INQUIRY SOCIETY OF IRELAND.

EIGHTEENTH SESSION.

PART XXIX.

JANUARY, 1865.

THE LIBRARY OF THE
MAR 18 1882
UNIVERSITY OF ILLINOIS

DUBLIN:
EDWARD PONSONBY, 116, GRAFTON-STREET.

1865.

LIST OF OFFICERS.

SESSION 1864-65.

President.

THE HON. JUDGE LONGFIELD.

Vice-Presidents.

THE EARL OF ROSSE, K.P.
SIR THOMAS LARCOM, K.C.B.
THE PROVOST OF TRINITY COLLEGE.
SIR ROBERT KANE.
EDWARD BARRINGTON, ESQ.
JONATHAN PIM, ESQ.

THE ATTORNEY-GENERAL (RIGHT HON.
JAMES A. LAWSON, LL.D.).
PROFESSOR INGRAM, LL.D., F.T.C.D.
JAMES HAUGHTON, ESQ., J.P.
RIGHT HON. JUSTICE O'HAGAN.

Members of Council.

DAVID ROSS, ESQ., LL.B.
ROBERT McDONNELL, M.D.
PROFESSOR JOHN E. CAIRNES, A.M.
D. C. HERON, ESQ., Q.C., LL.D.
HENRY DIX HUTTON, ESQ., LL.B.
JAMES McDONNELL, ESQ.

GEORGE F. SHAW, LL.D., F.T.C.D.
CHARLES E. BAGOT, ESQ.
R. DENNY URLIN, ESQ.
PROFESSOR A. HOUSTON, T.C.D.
E. D. MAPOTHER, M.D.
JOHN LENTAIGNE, D.L.

Treasurer.

WILLIAM F. LITLEDALE, ESQ. 9, UPPER ORMOND-QUAY.

Auditors.

JOHN BARRINGTON, ESQ.; JOHN FYFFE, ESQ.

Secretaries.

W. NEILSON HANCOCK, LL.D., 64, UPPER GARDINER-STREET.
MARK S. O'SHAUGHNESSY, ESQ., 34, SUMMER-HILL.
EDWARD GIBSON, ESQ., 20, UPPER PEMBROKE-STREET.

Barrington Lecturer on Political Economy.

JOHN MUNROE, Esq., A.M., Barrister-at-Law.

Collector.

Mr. JAMES MAGAHAN, 16, Upper Erne-street.

306
ST
v. 18 (pt. 29)

JOURNAL

OF THE

STATISTICAL AND SOCIAL INQUIRY SOCIETY OF IRELAND.

PART XXIX, *January*, 1865.

I.—*Address by the President, Hon. Judge Longfield, at the Opening of the Eighteenth Session.*

[Read Saturday, 26th November, 1864.]

GENTLEMEN,

The Council of the Society have done me the honor of requesting me to address you this night on the opening of our eighteenth session, and I gladly take this opportunity of making some observations on the economic condition of Ireland, and on a few legislative enactments which I think would contribute not a little to promote her material prosperity. I shall of course only touch upon those matters which properly come within the scope of this Society. Many changes may be proposed in our laws and constitution which may be far more powerful for good or evil than those which I shall suggest, but they are scarcely fit for discussion in this assembly. I shall only refer to such measures as may be carried without danger, and discussed with that calm temper which alone can enable us to judge what is consistent with truth and sound policy.

On the condition of Ireland we have had some interesting papers, in which opposite views were taken by Mr. Heron and Mr. Mc Donnell, who supported their respective views by such ample details as make it unnecessary for me to trouble you with a multitude of figures. The statistics of Ireland are generally taken with great skill and accuracy, and they corroborate each other's testimony in a remarkable manner, as witnesses of the country's progress or decline. The agricultural statistics, the traffic of the railways, the issues of the banks, the poor law returns, all point to the same results, and clearly demonstrate how closely interwoven with each other are the interests of the various classes of society. The conclusion to which they point is, that from the year 1847 to 1859 Ireland was rapidly

advancing in material prosperity, and that since that period a succession of bad harvests has caused a temporary retrogression, such as must occasionally occur in a country so dependent upon its agriculture and with such a variable climate as Ireland. The loss occasioned by those bad harvests was probably not much less than 25 millions sterling, the greater part of which has been met by a diminished expenditure by the various classes of the population, and the residue of which will, I hope, be more than covered by the harvest of the present year.

The permanent economic evil under which Ireland suffers is, that she is so utterly dependent on her agriculture, at the same time that her agriculture is in a very backward state. The remedy is to be found in every measure which may tend to improve her agriculture, or to render her inhabitants less exclusively dependent on it for their support. It is true that her agricultural prosperity must depend very much on the character of her agricultural population. Where there are oppressive landlords, tenants without skill or capital, and idle, dishonest, and negligent labourers, the country cannot prosper, even under the best possible code of laws ; but a wise legislation, without undue interference with our freedom, may do much to control the oppressive landlord, and make it his interest to be liberal and just : to make the land naturally fall into the hands of those tenants who possess skill and capital—that is, of those who are able to make it yield the greatest produce : and to ensure the honest labourer such a reward for his toil as may rouse him from his apathy, and make him a more efficient workman.

It is not out of place here to make a few remarks upon a measure which many recommend as almost a panacea for all the existing evils of Ireland ; I mean tenant right, an expression of ambiguous import, but which is generally understood to mean one or more of the following rights, viz., fixity of tenure ; the rent to be settled by valuation instead of contract ; and the right of the tenant to compensation for all improvements which he makes upon the land. It is not difficult to prove that the two first of those rights could never be really created by law, and that any enactment attempting it would be a dangerous revolution. Indeed the proposals are so wild and impracticable, that it is difficult to believe them seriously made. I do not fear that they will ever be carried, or that any great party in the state will ever sincerely wish to carry them ; but I regret their tendency to divert the attention of the people from other remedies, which, although less violent in their promises, are more safe and practicable.

And, first, as to fixity of tenure,—that is to say, a law that every occupying tenant, no matter what his contract may be, shall be entitled to hold his land for ever, if he is willing to pay the rent. It is not creditable to the country that a scheme at once so impracticable and so unjust should find so many advocates. It really is not a matter concerning landlords and tenants as a class ; it is simply a proposal to confiscate the property of the present landlords in favor of the present tenants. The owner of land finds it inconvenient to occupy it at present, but he hopes that in a few years he will be able to reside on it. Accordingly he sets it to a tenant for the in-

intervening term, and both parties made suitable arrangements. Nothing ~~can~~ be more unjust than for the law to interfere, and alter the contract so as to increase the value of the tenant's interest at the expense of the landlord. It would rob the landlords for the sole benefit of the individuals who might happen at the moment to be occupiers of land. But to the tenants of Ireland, considered as a class of which the individuals are frequently changed, it would be of no service. All future bargains would be governed by the consideration that the landlord was giving up his land for ever, and he would exact a rent proportionably high. Indeed, the landlords, that is, the present tenants who would thus become the future landlords, would protect themselves from the operation of the new law by demanding a rent so high as to keep the tenants at their mercy. Of course the landlord demanding such a rent could never expect to be paid in full; he must be satisfied to take what he could get, but the tenant would be always in his power, owing hopeless arrears of rent, for which he might at any time be evicted, notwithstanding the nominal fixity of tenure. No solvent, honest, independent man would become a tenant under such conditions, and the occupation of land would gradually fall into the hands of beggarly, knavish tenants—worse even than those which were known in Ireland in former days. The only thought of a tenant would be, how he could deceive and defraud his landlord; for the amount of his subsistence would depend upon the degree of his success in avoiding the fulfilment of his legal obligations. ~~All~~ improvements of land would be out of the question; even compensation for improvements would then be a mockery. It would be an idle form to set them off in account against some portion of the irrecoverable arrears. We know by unhappy experience the condition of the land and the tenantry where the rents demanded are too high; and this condition, produced in some places by the greedy improvidence of a few landlords, is the condition to which the greater part of Ireland would be reduced in a few years by a measure professedly introduced for the benefit of the tenantry. The present tenants, converted into landlords by the fixity of tenure, would know well how to grind the future tenants that should come within their power. Oppressive, grinding landlords, and dishonest, insolvent tenants would then become not the exception, but the rule. At present a landlord has no excuse for demanding too high a rent; but with fixity of tenure established by law, the demand would be often justified as a necessary defensive measure. The first effects of the introduction of fixity of tenure would be felt most severely by the best landlords who had set their land at a moderate rent. Those landlords who had set their land for more than it was worth would obviously suffer nothing by it.

There would be no reciprocity in fixity of tenure. Even now, when there is a lease, there is no power to prevent a tenant who does not find his holding profitable from selling his stock and emigrating. But even if there could be reciprocity, it would introduce a new inconvenience, that a man wishing to occupy some land for a short period should be unable to get it except on the terms of his taking a lease for ever.

The considerations which I have mentioned as likely to govern

all future contracts under a law of fixity of tenure are too obvious to escape notice. Accordingly, it is felt that any enactment relating to fixity of tenure would be ineffectual, unless accompanied by some law to regulate the rate of rent. What is most generally proposed is, that every tenant should be entitled to a valuation of his farm, and to hold his land for ever at a rent to be determined by such valuation. Nothing can be more unjust than to substitute a valuation for a contract; but the injustice is not manifest at first sight, for the words appear fair. Why, it is said, should any tenant be required to pay more than the fair value for his farm? But every one who has any experience knows that nothing can be more uncertain and undetermined than the valuation of land. It is not uncommon to see two valuers differing enormously in their estimates, and yet neither suffering in reputation as if he had made a discreditable mistake. In this case all the mistakes would be made in favor of the tenant. If any mistake were made against him the remedy would be in his own hands, as he would not take the land; but indeed no such mistake would be made, for there would be a constant leaning in favour of the tenant. It is certain that the value as fixed under any tenant-right measure would be less than half the fair rent which a solvent tenant would willingly pay for the land. It is obvious that as soon as the possession of land ceased to be a subject of contract by mutual agreement, the valuers would have no average market value to refer to, and would form their estimates on the wildest principles.

Waiving for a moment all objections to the injustice of this proceeding, the question still arises, would it be of any benefit to the farmers as a class? Of course the individuals at present in possession would gain a pecuniary advantage, by being permitted to break their contracts, and confiscate the property of their landlords. But what would be the position of future tenants? A farmer has a lease for twenty-one years at a rent of £100 a year. By the proposed tenant-right he gets it for ever at a rent of £50. But if he or his son wishes to change his residence, and follow some other pursuit, does any man suppose that he will set it to a tenant, to have it valued on the tenant-right scheme? No. He would know that this would be to give away his property to a stranger. He will sell his tenant-right probably for £1,500, and his successor will substantially have to pay not £50, but £125 a year for the land; viz. £50 for the rent, and £75 interest on the capital expended in the purchase of the tenant-right. Entering upon the land with crippled means, the capital that might have been more usefully employed in the cultivation of the soil having been expended in the purchase of the tenant-right, he will have reason to regret the change in the law which prevented him from dealing directly with the head landlord. The change as to all future farmers would be equivalent to a law, that no man should be permitted to occupy land as a farmer, except on the payment of a heavy fine. On the effect of this change on the cultivation of land there is not room for much difference of opinion. Adam Smith,* thus describes the effects:—"Some landlords, instead of raising the rent, take a fine for the renewal of the lease.

* *Wealth of Nations*, Book v. chap. 2.

This practice is in most cases the expedient of a spendthrift, who for a sum of ready money sells a future revenue of much greater value. It is most cases therefore hurtful to the landlord. It is frequently hurtful to the tenant, and it is always hurtful to the community. It frequently takes from the tenant so great a part of his capital, and thereby diminishes so much his ability to cultivate the land, that he finds it more difficult to pay a small rent, than it otherwise would have been to pay a great one. Whatever diminishes his ability to cultivate, necessarily keeps down, below what it would otherwise have been, the most important part of the revenue of the community. By rendering the tax upon such fines a good deal heavier than upon the ordinary rent, this hurtful practice might be discouraged, to the no small advantage of the different parties concerned—of the landlord, of the tenant, of the sovereign, and of the whole community.” This “hurtful practice,” which Adam Smith wished to discourage by increased taxation, would under the tenant-right system become the necessary universal practice throughout all Ireland. No tenant could obtain the possession of land without the payment of a considerable fine, the only difference being that the fine should be paid to the preceding tenant instead of to the landlord, a difference not affecting his interests, or the interests of the public. It would most usually happen that the fine or purchase money exacted would be so large that the incoming tenant must have recourse to a loan to raise the greater part of it. The condition of the new tenant would then be this, that he would hold his land for ever at a moderate rent, but on the other hand he would have been deprived of all the capital with which he could have cultivated it successfully, and in addition he will be subject to payment of interest to the mortgagee of an annual sum which, with the rent he pays, would make at least the full value of the land. In any season of distress he would feel the difference between having the landlord or the mortgagee as his creditor. The labouring classes would be great sufferers by this change. The inferior cultivation of the land would diminish the amount of profitable employment for their labour, and reduce wages. The change would increase the disadvantages under which poorer men or men of small capital unavoidably labour. At present, if a man possesses a small capital, and some agricultural skill and energy, he may hope to procure a farm of sufficient extent to employ all his capital with profit. But on the proposed new system, he should expend the greater part of his capital in the purchase of a very small farm, and reserve a small remnant only for profitable employment. At the same time the poorer man could never hope to rise above the condition of a common day labourer, as he never could save enough of money both to buy a farm and to cultivate it.

And while no class of persons would derive any advantage from the proposed change, it may be fairly asked why should the landlords be robbed of their clear rights, for the benefit not of any class, but of the individuals merely who happen at present to be the occupying tenants? If the landlords are to be robbed it should be done for the benefit of the community at large, and not of any individuals; least of all, the individuals who alone would profit by the proceeding. Their only claim is this: they say that too hard a bargain has been

*the community large
not any part of them and the others*

made with them, and that they are obliged to pay too high a rent. But no deceit has been practised on them, they entered into the contract voluntarily and ought to abide by it. But if they are entitled to any redress, the only just remedy would be to rescind the contract of which they complain, to let them give back the land to the landlord, and be free from all future liability to pay rent.

In any other transaction anything like the claim for tenant-right would be thought too absurd for argument. Mr. Patrick Murphy takes a fancy to my hunter and offers me 120 guineas for it. He gets it, and then complains that the horse is too dear. I offer to take back the horse and give him back his money. He wont agree to that. He says that the horse suits him, and that he is determined to keep it, and only to pay such a price as will enable him to sell it the next day at cent. per cent. profit. This would be exactly analogous to the claim of tenant-right. In the case of the sale of land the injustice of the demand would be equally apparent. Mr. Murphy offers me £3000 for my land, and induces me to give him up the possession of it. He then complains that the price is too dear. I am ready to give him back the money, if he will give me back the land, or I find a person who will gladly give him £100 for his bargain. He refuses; he says he must keep the land, and refer the price to some friends of his who will value it on this novel principle, that the price which every man in the country would be ready to pay for it shall not be taken into consideration in estimating the value. This is the supposed tenant-right, substituting merely a setting instead of a sale.

Some reason must be given for making land an exception to the ordinary rules of commerce, and fixing the price by law, instead of letting it be arranged by mutual agreement between the buyer and the seller, the landlord and the tenant. The reason formerly assigned was that the possession of land was a question of life or death to the tenant, that he had no other resource to preserve himself and his family from starvation, and that therefore he was obliged to submit to any terms which an avaricious landlord might impose. That the parties to the contract stood on such unequal ground as to make it necessary for the law to interfere to protect the weaker party. It could not be pretended that this argument ever was applicable except to the case of small pauper tenants. It never could have had any bearing on the case of those tenants who hold the greatest part of Ireland, viz. men who have capitals of two or three hundred pounds, and who are farmers, not from necessity, but from choice; because they find the occupation of a farmer more profitable, or more suitable to their taste or education than any other employment. The introduction of poor laws and the increased demand for labour, now put it out of any man's power to say that he is obliged to offer an exorbitant rent for a farm in order to preserve himself from destitution.

It should always be borne in mind that it is essentially a dishonest act for a man to enter into a contract which he does not believe that he will be able to fulfil. The man who has obtained possession of a farm by promising a rent which he cannot afford to pay, has committed a dishonest act, and an act injurious to society. He has

done a wrong to the landlord from whom he has obtained possession of the land on false pretences, and he has done wrong to the competitors for the farm whom he has outbid. The dishonesty may be palliated by the strength of the temptation to which he yielded, but it cannot be altogether justified, and it certainly should not be made the subject of approbation or reward. Granting even that he has no resource to keep him from the workhouse, except by promising what he cannot perform, has he any claim to a higher standard of maintenance than his neighbour, who may be actually in the poorhouse on account of the sturdy honesty which prevents him from promising what he cannot afford to pay. There is no peculiar merit in the man who has got a farm under false pretences, and if he is entitled to a better support than a common pauper merely because he is called a farmer, no matter by what means he obtained the farm, it is not easy to see why this support should be given to him not by the entire neighbourhood, but by the landlord whom he has defrauded. If land is to be set at a price not fixed by contract, the fairest means of carrying out such a measure would be for the present occupiers to give up possession, and then to divide the land among all the inhabitants equally. Undoubtedly the person who obtains possession of land by false promises ought not to gain any advantage over his more honest competitors.

Even at present the hope, however delusive, of the establishment of a tenant right by law has an injurious effect. It not only diverts men's attention from more practicable means of improving the condition of the people, but it increases the desire to obtain, and to retain possession of land, no matter how incapable the possessor may be of cultivating the property. There is a hope that the temporary possession will be converted by law into a valuable estate. In some districts the agitation on the subject has fixed it like a principle not to be controverted in the peasant's mind, that the possession of land, however acquired, is a property which it is unjust to take from him without paying him ample compensation. The relation between landlord and tenant is made the constant subject of violent declamation, but the peasant hears only one side of the question. His imaginary rights are assumed as if they were too clear to require argument. And indeed this is necessary, for they will not bear argument.

A landlord has twenty acres of land in his possession. A peasant offers him twenty pounds a year for the land. His offer is accepted ; he is put into possession of the land, but neglects to pay the rent, and finally he is evicted, owing three years' arrears of rent which he never pays. He considers himself an injured man, the victim of landlordism and oppression. No questions are asked about the merits of the case. The mere fact that he has been dispossessed is sufficient to excite the sympathies of the population, who will either assist him to take revenge, or at least will assist him to escape when he has gratified his revenge by murdering the tenant who succeeds him, or his landlord, or his agent, or any member of any of their families. And yet he has committed injustice, and sustained no wrong. The only fault committed by the landlord being that mistake too common in Ireland, of giving a farm to a

tenant without making sufficient inquiry into his character or means. I shall presently have occasion to consider how far our legislation may be held responsible for that negligence.

I should not have referred to the question of fixity of tenure, which can only be carried by a revolution, were it not for the mischief that must be done by the mere hope or expectation of the measure.

But a third claim is made on behalf of the tenant which is much more deserving of consideration. The claim for compensation for improvements is one that ought not be lightly passed over, although it is frequently pushed to an unreasonable extent. A man who contracts to pay £100 a-year rent for a farm, and who has obtained possession on the faith of this contract, cannot with justice complain that he must either pay the rent or give back the possession. Or if he has accepted a lease for 21 years, he has no just cause of complaint if at the expiration of that term he is called upon to give back the land, or to enter into a contract satisfactory to his landlord for the extension of his term. But every man feels that he has suffered an injustice, if he has placed permanent and valuable improvements on the land, and is obliged to give up those improvements to his landlord without receiving compensation.

If he has made those improvements in pursuance of a previous stipulation with the landlord, those improvements may be considered as a substitute for rent. It seems to come to the same thing whether the landlord sets the land at a reduced rent, with a covenant on the part of the tenant to make such improvements, or whether he makes them himself, and exacts a larger rent in consequence. In either case the person who makes the improvements reaps the benefit of them; accordingly there is not much ground of complaint against the law, in the case of town lots set on building leases.

But when a tenant takes a lease of a farm which he finds he cannot cultivate properly without an expenditure in making drains, fences, and buildings which in England would be defrayed by the landlord, he does suffer a grievance, and has a just cause of complaint. If, and this is what most generally happens, he declines to make improvements of which the landlord is to reap the chief benefit, he suffers, and the country suffers, by having the operations of an energetic tenant crippled, and the productive powers of his land undeveloped for want of those improvements which the landlord will not, and the tenant, under the present state of our laws and customs, cannot permanently make.

If, on the other hand, the tenant does make those improvements, trusting to the honour and liberality of his landlord not to take advantage of the defective state of the law, he is liable to have his improvements confiscated by a dishonest, greedy landlord, and one such case is enough to deter a hundred tenants from showing a similar trust in their landlords. Even if the landlord treats him fairly at the termination of his lease, he has been subject to the annoyance during its existence of not knowing the exact state of his affairs, and whether he has been working for another's profit or his own.

The equitable right of the tenant to some protection against this

mischief is now becoming generally felt, and the legislature has made some slight efforts to improve the law on this head. In the case of timber the right of the tenant has been admitted for more than a century, tho' very much restricted by unnecessary forms. I do not know what useful object is effected, or even intended, by those forms of advertisements and registration with which the tenant must comply, and a defect in which will occasion a forfeiture of his rights. For other improvements than planting, the law has lately made some provisions which are quite inadequate to the exigencies of the case. The legislature has been too timid. It has done too little from fear of doing too much. It has done no good for fear of doing a slight mischief.

The right to compensation has been a frequent subject of discussion in this Society, and in the suggestions which I venture to make I believe that I do not go beyond the unanimous opinion of the members. At present a landlord frequently cannot afford to make the necessary improvements on his estate, and if this estate is in settlement, he cannot enter into a valid contract with a tenant to allow him the slightest compensation. Such a contract would not be binding on the persons entitled under the settlement. This ought to be altered. No settlement should be sanctioned which produces a result contrary to natural justice. I would give every landlord, however limited or encumbered his estate might be, the power to contract to give his tenant at the expiration of his lease compensation to the full value of any improvements he might place upon the land. This contract might be made either on the lease itself, or by an unstamped endorsement to be placed upon it. This measure alone would be of great advantage, and would put an end to many just grounds of complaint. A landlord would seldom refuse to enter into such a contract with an improving tenant; it would give him a better security for his rent, while the compensation would generally fall upon his successor. Even the successor would not be injured by it. On the one hand he would be charged with the fair value of the improvements, on the other hand he would have the benefit of the improvements, which, but for the change in the law, would not have been made. He will probably have a thriving body of improving tenantry instead of a mass of discontented paupers.

It may however happen that a landlord from caprice or a mistaken judgment will refuse to enter into such a contract as I have described. In such cases the tenant ought not to be without a remedy. He ought to have a right to summon the landlord before the Court of Quarter Sessions, and there get an order for liberty to make the improvements unless the landlord showed good cause to the contrary. It is not likely that this resort to legal proceedings would often be necessary. The existence of the right would prevent the necessity of its exercise. The landlord would seldom refuse permission capriciously, when he knew that his conduct might be reviewed by a competent court.

To prevent abuse it might be necessary to fix a limit to the amount which at any one time might be chargeable on the land as compensation for improvements. There might also be a provision exonerating the landlord's successor from liability on the termination of

the lease, provided he granted a new lease for a term of 31 years without any increase of rent.

The course of proceedings might then be expected to run in the following manner. The tenant makes his improvements according to law. If they are judiciously executed, he gains considerable advantage from them during his lease. The landlord during the same term has the comfort and advantage of having his rent punctually paid. At the termination of the lease the tenant receives either the fair value of the improvements, or compensation in the form of a new lease for 31 years at the old rent to himself or his family, as the case may be. Pending this new lease, he makes new improvements which entitle him to a further extension of his term, and so on. In this manner the same family of tenants may hold the same land for many generations, the landlord never losing anything by unpaid rents, and the tenant never suffering an eviction of his interest. If circumstances such as the reduced value of gold, or any other cause should increase the value of land so much as to induce the landlord to refuse a renewal, the parties would probably come to an agreement for a lease at an increased rent, suitable to the altered circumstances of the time. Should this agreement not be made, the tenant will at all events receive such compensation as will place him comfortably in some other position. I believe that few will think that I am asking too much for the tenant; many will perhaps say that we ought to demand more. To those I would answer, get this much first, and let further experience then decide whether it may not be expedient to treat the tenantry with still greater liberality. To the enemies of all change I would observe that the existing law, while it is unjust to the tenant and hurtful to the country, has not in fact been found very profitable to the landlord in whose supposed interest this injustice is allowed.

It might also be expedient to treat every improvement made by the tenant as his own property, so as to entitle him to remove it on first proving his title before the quarter sessions. The mere existence of such a law would go a great way towards making the landlord familiar with the justice of the tenant's claim.

But there is no small portion of the land of Ireland in the hands of tenants to whom a promise of compensation for bona fide improvements would be useless. They have neither skill, capital, or energy to undertake such tasks. Their only hope is to live, that is, to sustain life upon the land, and divide it among their children. Those tenants never settle accounts with their landlords, nor get receipts from him. They seldom know, and they never care, how much they owe their landlords for arrears of rent. It is sufficient that they owe more than they ever intend to pay. It is the business of the landlord and his agent to get as much as they can, and the tenant to pay nothing that he can avoid. That a farmer ought to possess some capital, and be able to pay some rent, is a proposition that has never entered into his head, and he is never ashamed to tell his landlord that he is not worth a single penny, never supposing that the natural inference is, that he is unfit to be a farmer. How did such men get possession of land, and become tenant farmers, when their natural

place in society was to be labourers, working for wages? For this state of things our legislation has been in some measure responsible.

For many years the policy of the law appears to have been intended to induce landlords to be indifferent to the character or circumstances of their tenants. The right of distress especially contributed to foster this feeling of indifference. Of all creditors, the landlord alone may take the law into his own hands; and, if rent is due to him, he may seize the goods of the tenant, or of any other person, if they can be found upon the land. The farmer may buy stock upon credit, and place it upon the land. The landlord, without any adjudication of law, may seize that stock before the tenant has paid for it, and may sell it to pay himself the arrears of rent. No suit nor legal process of any kind is necessary for the purpose.

Far different is the position of any other creditor, who must bring his action, obtain his verdict, and judgment and take out a writ of execution, and deliver it to a person properly authorized by law to execute it. If, even at the last moment, his claims come into collision with those of the landlord, he must give way, at least to the extent of one year's rent. Thus, suppose a landlord sets a farm, the tenant, in order to stock it, buys some cattle on credit, and neglects to pay either the landlord or the person from whom he bought the cattle. The landlord may seize the cattle the instant the rent falls due. The other creditor must wait, and bring his action. Even when he has obtained a judgment and execution, and when the sheriff's officer is in possession of the goods for the price of which the action was brought, the landlord may still step in, and insist on being paid a year's rent before any of the goods can be removed. This latter privilege did not exist at common law, but was conferred by the legislature, which, for more than a century, proceeded upon the principle that it was expedient to increase the extraordinary powers of the landlord to recover his demand. On this principle the landlord got the privilege of seizing growing crops, contrary to the rules of common law. If the tenant took out a writ of replevin in order to have the claim fairly tried, he was bound to give security, and if defeated was liable to pay double costs. Some of those provisions have been found so unjust and mischievous, that they have since been repealed; and I refer to them only to shew what the policy of the legislature for a long period had been. That policy has been most mischievous, independently of the general objection to permitting any creditor to take the law into his own hands. And yet this last objection is not a slight one. It is a great error in jurisprudence to make the difference between guilt and innocence depend in any case on the decision of doubtful civil rights. This may readily happen under the present law. Thus, a distress is made; it is resisted by force; a fight ensues; broken heads on both sides; an indictment; the trial comes on. The result may depend not upon the evidence of what took place at the fight, but upon a complicated statement of accounts between the landlord and the tenant, or on the construction of a difficult will, under which the landlord's alleged title is derived. This in itself is not a slight evil. The result of a criminal trial should never depend on

a doubtful question of law or of property, on which an innocent man might be mistaken, or a really guilty man escape.

But it is with its effects on the relation of landlord and tenant, and on the condition of landed property in Ireland, I am now concerned. In this point of view the mischievous tendency of the law of distress is to make the landlord comparatively indifferent to the character of his tenant, and to diminish the value, or the necessity of good management. It is obvious that every exceptional facility for recovering debts, given to any particular class of creditors, must tend to make them more careless respecting the credit which they give, or the persons whom they trust. Under the present state of the law, the landlord does not find it necessary to make any inquiries respecting the character or solvency of the person whom he receives as his tenant. The remedies given to him by law are so prompt and efficacious, that it seems impossible to evade them. The landlord, or his agent, may not even know the names of the persons into whose hands the land may have fallen. There is a subsisting lease, and when the rent falls due, the agent or the bailiff may go to the land and seize anything that he finds on it, no matter to whom it may belong. The farm, originally set to one tenant, may have become subdivided among a number of small occupiers, but the landlord may distrain the goods of any one tenant or sub-tenant for the rent due by them all. It is impossible for any of them to cultivate the land effectually while the rent remains unpaid. And yet, although the landlord has this great privilege to enable him to recover his rent expeditiously, he is allowed to permit arrears to remain unpaid longer than other creditors can do, without being affected by any statute of limitations. In consequence of this state of the law, character and capital have not their fair weight when a farm is to be set, and the landlord too often yields to the offers made by the ignorant, the reckless, or the dishonest farmer. The man who hopes to evade his engagements will readily offer a higher rent than the man who knows that he must perform whatever he promises. The farmer with capital and skill will not compete with the high offers made by the ignorant adventurer. A man is often trusted with land who would not be trusted with anything else, and the land of Ireland has thus a constant tendency to fall into the hands of those who are most unlikely to cultivate it properly.

Many evils connected with the occupation of land have their origin in this source or at least are considerably augmented by it. The tenant without capital or character gets the farm. He has not the means or the skill to effect the necessary improvements, and as he is not a mark for any damages to be recovered for waste, the landlord is unwilling to erect any buildings which the tenant might with practical impunity destroy. Hence the absence of the houses and erections necessary to the proper cultivation of the farm. Hence also the subdivision and subletting carried to a most mischievous extent. A farm in Ireland is not one and indivisible, like one of the superior animals, or even like a well-constructed machine. It is like one of those inferior animals which may be chopped into pieces, and each part becomes a complete animal merely smaller than the original. A farm with a suitable dwelling-house, barn, steading for

cattle, and other offices, cannot be subdivided without loss. The separate value of the parts will not be equal to the value of the whole as an undivided instrument of production. The house and offices would be inconveniently large when a smaller farm was attached to them; and the farm left without those necessary adjuncts would experience the inconvenience of the loss. The farmer, therefore, with suitable capital and buildings, will be likely to provide for his children out of the savings from his annual income, leaving the farm itself as a provision for a single child. The remaining children to whom money instead of land is given as a provision, will in general not be able to get farms, and they will carefully endeavour to get into some line of industry in which their little capital will provide them with a competence; and in this manner a well-furnished farm has a tendency to promote a number of small industrious occupations.

Compare with this, the state of a common Irish farm with no building on it except the two-roomed cabin. A field is given as a portion to a child on his marriage. Very little time or expense is required to give the young couple as good a house as that from which they emerged; and the small farms, without buildings or capital, yield as large a proportion of produce as the large one had yielded, and thus the subdivision goes on. The children are provided for by bits of the farm, without any apparent necessity for the parents to save anything for them out of their annual income. It is easy to see how unfavourable this system is to the accumulation of capital in the country. One chief cause of the accumulation of capital, is the necessity under which all classes lie (except the labourer who is supported by the wages of his daily toil), of saving something, that is, of accumulating some capital, if they hope to preserve their children from being degraded to a lower class.

Subletting, which is a different thing from the subdivision of farms, although the two mischiefs are often found together, is much promoted by the law of distress. It exalts the position of the landlord at the expense of that of the occupier. Hence the tenant of a farm is under a strong inducement to convert himself into a landlord by subletting it. Competition enables him to get a promise of a high rent, and the right of distress, makes him hope that he will lose nothing by the insolvency or dishonesty of his tenant. We seldom find a lease of long duration in which the land is not sublet. The man to whom a farm is set at a long lease and moderate rent, will seldom remain an occupying tenant, or if he does, his son will not do so.

It is probable that a remarkable improvement would take place in the state of Ireland if this anomalous right of distress by the landlord was abolished. Of course the change should apply only to future leases. The landlord would have to look for a tenant of character and responsibility. The removal of unfit tenants from the field of competition would enable the solvent tenant to get his farm at a moderate rent. Such a tenant will be able to improve the land, and make a provision for his family without subdividing his farm, and the relation between landlord and tenant will be placed on a more equal and amicable footing. Such a tenant will take care to

enter into no contract that he is unable to fulfil, and the landlord will have no reason to complain of broken covenants.

It may be objected that I am proposing a measure injurious to the landlord, as it will reduce the competition for his land, and compel him to set it at a moderate rent; but this is what a wise and liberal landlord does already, and he gets full compensation in the greater comfort of his position, the security of his rents, and the improvement of his estate.

The tenant also will have credit, in addition to his capital, an advantage which he does not possess at present, in consequence of the preference given by law to the landlord over every other creditor.

I feel that I have not time to follow this subject into its details. I must submit it thus unfinished to your consideration, but there is one objection so obvious that I do not think it right to let it pass unnoticed. It may be said, the English landlord enjoys the right of distress, why have not the same consequences followed? The objection is specious but easily answered. There are many tendencies to good or evil which are counteracted by other circumstances in the laws or characters of the people. I shall point out a few of them in the present case. In the first place England has long possessed a very liberal poor law. I am not insensible to the evils connected with the English poor law, more especially before the amendment introduced in the year 1834, but undoubtedly it had this good effect, that it made it impossible without utter ruin to mismanage an estate after the Irish fashion. The small cottier tenant would, if distrained upon, throw up his farm, and go upon the rates, and the burden of the poor rate would prevent the landlord from getting a solvent tenant in his place.

In the next place the enormous increase in the commerce and manufactures of England within the last hundred years brought unbounded wealth to the landlords, and they were fortunately so liberal and enlightened as to expend a considerable part of it in the improvement of their estates. There was also an enlightened public opinion which would have covered any man with disgrace among his equals and associates who should have managed his property after the fashion of an Irish estate. While the English landlord was under little temptation to mismanage his estate, he was also free from many difficulties which, in the present generation at least, encompass the Irish landlord who wishes to bring his estate into proper condition; but we may reasonably hope that with judicious changes in the law the next generation will find it an easier task.

But mere agriculture, even in its most improved state, will not afford sufficient employment to the population of Ireland unless it is reduced very considerably; and in order to keep the people in comfort, or indeed to keep them in the country, it is necessary to find some means of preventing them from being entirely dependent upon that one branch of industry for their support. We must carefully examine our position and regulate our conduct accordingly. We have perfectly free trade with a country in our immediate neighbourhood, whose inhabitants are at once the most formidable rivals, and the best customers in the world. England has many advantages,

in her immense capital, her mines, her coal, her iron, and the hardy industry of her inhabitants. There are few things that the Englishman cannot do as well, and many things that he can do much better than the Irishman; but there is nothing worth having which the Irish can produce, that the English will not readily purchase at a fair price. Why then should any man remain without employment here? If he cannot earn as much as his more skilful brother in England, who has also the advantage of being nearer his market, and nearer his materials, his only course is to work at a cheaper rate, and earn as much as he can. He may by care, industry, and economy do much to compensate for the disadvantages of his position. I fear that many of the rules of the trades' unions, made with the intention of securing better wages, and more constant employment for the members, have the contrary effect of banishing or stunting many profitable occupations. It would be better far, that every man should make his own bargain and work for the best terms that he can get, and trust to the competition of capital to secure him the utmost terms that the nature of the trade can afford. But as this state of things can only arise from a more general knowledge of the laws of political economy than can be expected until many years shall pass away, I shall turn to some other points in our industrial policy. The question of labour is unfortunately looked upon as a matter in which the capitalist and the labourer have adverse interests, and it seems almost like taking a part in the controversy with the rich against the poor, when one recommends the labourer to work for less wages rather than remain without employment. In the mean time, however, something useful may be done. Let us give up all desire to make any excuses for our failures. In this respect a nation is like an individual, and the man who is skilful in making excuses is seldom good for anything else. Instead of being roused to increased exertions by every failure, we are apt to rest in a lazy self-complacency if we make some excuse that will throw the blame of our failure upon other persons, or upon circumstances beyond our control. I shall just mention two excuses out of many that I often hear with regret. It is said that the English, and sometimes even the Irish themselves, have a prejudice against Irish manufactures, and prefer English or foreign articles. There is not a shadow of foundation for the assertion. If an Irish article is good, it will soon get a good character, and a man will buy it just as readily as he will wear Irish linen, or drink Kinahan's L.L., or Guinness's double X. In fact there are several large manufacturers in Ireland, and they do not find that any prejudice is entertained against their goods on account of the country from which they come. There may be a few cases in which distrust may exist, caused by former bad workmanship, but nothing is more certain than that a good article will speedily get a good character. I hope that every Irishman will consider that by working carefully and honestly, he is not merely securing steady employment for himself, but that he is also contributing materially to the prosperity of his country by getting a good character for its manufactures. One good workman may do more by his example, than a public meeting of ten thousand men that should carry a resolution by acclamation declaring that they were the best workmen in the world.

The second excuse that I shall notice, and which at first appears to have a better foundation, is that the manufacturing industry of Ireland is stunted for want of capital. I believe that we have enough for ten times the amount of manufactures that we possess. The quantity of money in the Funds and in the Savings' Banks proves this. Perhaps a more striking circumstance is, that within the last twenty years more than twenty millions sterling have been expended in the construction of Irish railways. It is true that a large proportion of this money was originally subscribed by English capitalists, but most of the shares have since been purchased by Irishmen, which equally shews the accumulation and existence of Irish capital. But for my present purpose it would equally support my argument if all the shares were still held by Englishmen. It equally shows that capital will not be wanted for any enterprise in Ireland that holds out a prospect of a reasonable profit. English capital goes over the whole world seeking for an investment, and the facility of superintendence and the similarity of laws and language will naturally secure a preference for Ireland, unless English capital is repelled by some counteracting cause. Here combinations to impose terms on the capitalist are unreasonable and injurious. The importation of foreign capital is an unmixed gain to the Irish labourer, not merely to those who are employed by it at higher wages than they would otherwise be receiving, but by the whole class whose condition is improved by every reduction in the number of those who are seeking employment in the labour market. English capital may be forced to go away, but it cannot be forced to come or to remain here. It can only be invited by the expectation of a suitable profit.

But there are many trades in which very little capital is required, and which are not flourishing. Why may not these be carried on by co-operative societies of working men? No jealous disputes between labour and capital could then arise, as each man would be equally interested in the prosperity of both those agents of production. The faculties of the intelligent labourer would be developed, and he would comprehend the difficulties of the capitalist far better than he could be taught by any lessons of political economy. We may divide manufactories into two great classes, one class requiring a large capital, and a well organized establishment. I may take a cotton-spinning mill as an example. In such a manufactory I should have very little hope that the business could be successfully carried on by a co-operative society of workmen. But there are many other trades much more simple, and requiring very little organization in their management, in which it would not be difficult to reconcile the conflicting claims of labour and capital. Let me take as an example, although perhaps not the most favourable one, the manufacture of boots and shoes. A co-operative society might be established in any country-town. A small capital, say £1,000, would be sufficient to set it up, and purchase a sufficient stock of tools and materials. This capital might be subscribed by the workmen themselves, or by shareholders, or part of it obtained by a loan. The workmen elect and pay a manager to direct their affairs, to keep their accounts, to purchase their materials at wholesale prices for ready money on the most favourable terms, and to conduct the

sale of the goods when finished. The first expense must be to pay a small subsistence fund to the workman, equal in amount to what he could earn as an unskilled labourer. Let accounts be settled every month, and a sufficient sum set apart to keep up the original capital, and to guard against contingencies; next the interest is paid on the borrowed money, or a small dividend to the shareholders, and the balance being net profit is to be divided between the workmen and shareholders in a proportion to be fixed by the articles of association. This proportion would be of no consequence, if all the shares were equally held by the workmen. In other cases the proportion might be settled by agreement, and as the capital is small, the share taken away from the labourer would never be much. I have selected boots and shoes as my example, because they are articles of constant necessity, they are less subject than most other articles to the caprices of fashion, they do not require a very large capital for the manufacture, and there is not such a division of labour as could lead to serious disputes between different classes of workmen. Perhaps other trades may possess those qualities in a greater degree, and therefore be fitter subjects of co-operative societies.

There are many small manufactures existing in various parts of the world, the circumstances of which it would be a useful work of this Society to investigate, in order to discover whether it is possible to introduce them into Ireland with advantage. I can understand why we are obliged to import our lemons and our oranges from more sunny climes, and why wine is not found among the products of Irish industry. I can understand that the neighbourhood of coal and ironstone in inexhaustible quantities gives an advantage to the iron works of England and Scotland which Ireland does not generally possess. It is easy to conceive the difficulty and the risk which would attend the attempt to introduce into Ireland the enormous factories which envelope in a cloud of smoke the manufacturing towns in England. But when I see a clock selling for a few shillings in a Dublin shop, and learn that it is made in a remote country inhabited chiefly by a rural population, without any large capital, or complicated or expensive machinery, I cannot avoid thinking that there is no invincible impediment to the introduction of the manufacture into Ireland. I know nothing in connexion with this Society more useful or more interesting than an enquiry into the small trades which exist in other countries. The statistics should state the numbers, age, and sex of the persons employed in every branch, the amount they earn, and whether they are paid by wages or by the sale of their work, and the expense of the tools, and the machinery they employ, and the health and morals of those engaged in the trade. It is likely that the result of these enquiries would shew that some of those trades might be established here. The introduction of any new occupation is of immense importance to a country like Ireland, by lessening the competition in the labour market, and turning competitors into customers. Let us never despair, nor attribute our failure to causes a belief in which would be as fatal as despair itself in its effect in damping our energies. Of those mischievous reasons some are given by the men who flatter the working classes, by telling them that the fault does not rest in

any respect with themselves ; others are given by persons whom I cannot accuse of flattery, although I dissent from their opinions, who hold that the Irish workman is incurably deficient in handiness and will not succeed if he attempts to handle any finer implements than the pickaxe or the spade. It is hard to believe that any class in this country is so bad as to be incapable of improvement, or so good as not to require it. Landlords, tenants, and labourers, capitalists and artizans have all one common permanent interest in the prosperity of the country ; and I have endeavoured humbly, (and solely from a hope that a remedy may be found) to point out some of the circumstances which seem to prevent all from joining heart and hand to promote that common object.

II.—Appendix to the foregoing Address.

INTERFERENCE.

SOME people say that no legislation ought to take place until it is called for by the landlords, who, from experience, ought to know the best way of managing their own properties, *quieta non moveri*, or in vulgar English, “to let well enough alone,” is often a very good maxim for a statesman. But it is reasonable to ask, “is this the case of the *quieta*” or the “well enough?” Can the Irish landlords say, “We have reason to be satisfied with the condition of our estates, and the country has good reason to be satisfied with us. Our tenantry are prosperous and contented, and attached to us from their confidence in our justice and liberality. Our estates are well cultivated, and supplied with all proper improvements to enable them to contribute their fair proportion to the resources of the nation. We are able and willing to make all necessary improvements ourselves, and in any cases in which it would be inconvenient to ourselves, we give such encouragement to our tenants as induces them to lay out their money upon the land with confidence. The result has been shewn by our own prosperity, our freedom from debts and embarrassment, and our increasing influence throughout the land. If legislation were required, you might depend upon us to propose it ; for many useful measures of legislation or administration have been adopted to promote the tranquility and prosperity of Ireland, and of all such measures we have ever been either the actual proposers or the warm supporters.” I am afraid, however, that it is impossible to deny that some change is required. Many persons may reasonably doubt whether legislation may do much to remove the evils which undoubtedly exist ; but they ought to admit that proposals for their relief ought to be calmly and deliberately discussed, and neither be intemperately demanded, nor contemptuously rejected without examination.

Some object to any interference between landlord and tenant on the law of improvements, lest it might lead to ill feeling and litigation. I have no fear of this result. I will not pay such a bad compliment to the landlords as to suppose that they cannot be kept at peace with their tenants, except by denying all rights to the latter.

Of course where any person has any rights, there is a possibility that he may be obliged to go to law to support them, and that he may even go to law when they do not exist except in his own imagination; and it is possible that a law-suit may lead to permanent angry feelings; but those cases bear no proportion to the cases in which a clear right is admitted and enjoyed, without giving rise to any litigation or ill feeling. The acts of parliament, for example, by which the tenant is entitled to the timber that he has planted, have seldom been the cause of any litigation or ill feeling between the landlord and the tenant. The argument cannot even in form be urged against the proposal to permit the landlord in all cases, notwithstanding any settlement or incumbrance, to contract to allow his tenant compensation for improvements. It is only carrying out the principle on which money borrowed from the Board of Works for the same purpose creates a charge paramount to all settlements and incumbrances.

But it must be admitted that the right of the tenant to compensation for improvements effected contrary to the wishes of the landlord, stands on a different footing, it is more liable to objections, and some case ought to be made to shew the necessity of the measure. As to the latter point, I consider that the condition of most of the Irish farmers, and the discontent of the Irish tenantry, furnish a sufficient case for any change that can be made without injustice or inconvenience. Injustice is out of the question here, for nothing can be more just than that a tenant should, in every case, get compensation for all improvements which he has made; but this justice cannot be practically administered in every case, on account of the inconvenience that would arise from unfounded or mistaken claims. To prevent this inconvenience, some restrictions on this abstract right are necessary, which, although they may at first sight seem a little harsh, will in the end, I think, be found beneficial even to the tenant. In the first place he ought not (except by express contract) he be entitled to any compensation for improvements made when he has less than seven years unexpired of his lease. In this case the interest of the landlord is so great, that he ought not to be compelled to pay for any change made in the land without his concurrence. Secondly, in order to prevent the tenant from annoying the landlord by repeated and frivolous applications, it might be enacted that no application should be received within ten years after the rejection of a former one. The application should be made to the Quarter Sessions Court, consisting of the assistant barrister and magistrates, not of the assistant barrister alone. The tenant ought to pay the expense of the inspection necessary to ascertain whether the improvements are made according to the specification; and if his application is rejected, he ought to pay the costs of the opposition to the landlord. Under those conditions there is little reason to apprehend that the landlord will suffer by any wanton exercise of the tenant's rights. The proposal may be even supposed open to the opposite objection, viz., that the law will be almost a dead letter, there will be so few instances in which the tenant will avail himself of this right. There may be not many such cases, and yet the law may be very useful, for, it is from its silent operation that most

benefit is to be expected. When the tenant offers to make any improvements on getting an agreement to entitle him to their value at the termination of his lease, his proposal will receive a fair consideration, when the landlord knows that he cannot dispose of the matter by an arbitrary or capricious refusal. If the landlord feels any objection he will state it, the matter will be re-considered, the tenant will probably modify his proposal in conformity with the landlord's wishes, and the transaction will probably end in an agreement beneficial to both parties; although it would have met with an inconsiderate peremptory refusal, if the landlord had not been forced to a consideration of the matter by the knowledge of the tenant's right to appeal from his decision.

Another objection may be started, that this law will indispose the landlord to grant a lease to his tenant, and thus may be injurious to the tenant himself as well as to the country at large. I do not apprehend this consequence. At present a landlord grants a lease because he thereby can get a greater rent or a better tenant; and the inducement will be still stronger when the privileges given by the proposed change will attract a much better tenant, or induce him to pay a still greater rent. Against this present and certain gain it will be a very slight set-off that at the termination of the lease, the landlord, or, more probably, his successor, may be obliged to pay a reasonable price for an addition made to the value of the land by the tenant's capital.

Another objection which is worthy of consideration is, that no law exists in England such as I propose for Ireland, and that it is desirable that the laws in the two countries should, as far as possible, be the same. I fully admit the expediency of this assimilation, and wish that it was more constantly attended to. I have seen the bankruptcy laws, the acts for the abolition of fines and recoveries, the constitution of the court of admiralty, of the court of probate and divorce, the practice and pleadings in the courts of equity, and in all the courts of common law made different in England and Ireland, sometimes from very trivial reasons, and sometimes even without the pretence of any reason for the difference. But the change in the law is absolutely necessary for Ireland; it is not wanted in England. There the general custom is for the landlord to erect all suitable buildings, and make all necessary improvements to have the land fit for the operations of a tenant who may be skilled in husbandry, without being competent to undertake the office of an architect or an engineer. It is much better for the country that these works should be done by the landlord out of his income than by the tenant out of his capital. But experience has shown that in Ireland the landlord cannot, or will not, do them; if he can, or will, there is nothing in the proposed law to prevent him. It is necessary, therefore, to remove all the artificial impediments which interfere with the proper cultivation of the soil. The one invincible argument in favor of the existence of property in land is, that its existence is necessary to its most profitable cultivation and improvement. It is the means towards an end; and when the laws of property are so framed as to prevent improvements, the end is sacrificed to the means.

It is sometimes said that it would be better to grant leases of sufficient length to induce the tenant to improve, as it can be shown by calculation that most valuable improvements will amply repay the outlay even in a lease of twenty-one years. I could point out some important errors in many of those calculations; but the true answer is, that it is not a question of arithmetic, but of policy, and of the actual, not the arithmetical influence of motives. The material point is not whether a lease for twenty-one years ought to induce a tenant to drain and improve the land, but whether it will, in fact, have that effect; and experience has amply shown that an Irish tenant will not improve the land on such a tenure. Moreover, if he does not commence at once, he is not likely to do it at all, as the inducement—that is, the unexpired duration of his lease—is every year becoming less. There is an instinctive repugnance to expend money, of which the landlord, not the tenant who has spent the money, is to derive the chief benefit. I have little hope of seeing an improved agriculture, or a contented tenantry, as long as artificial rules of law enable the landlords to take possession of those improvements without making any compensation for them. Even where the profit has repaid the outlay, what has been enjoyed is forgotten, and all that the dispossessed tenant or his family sees and feels is that his landlord is now reaping the benefit of those improvements without paying for them. This forgetfulness of the past enjoyment is not reasonable, but it is human nature.

I had the advantage of hearing some of the objections to this law of compensation stated by an English gentleman of great sagacity. He apprehended that on the termination of a lease where improvements had been made, the landlord or his successor would not have the money to pay compensation to the tenant, and, therefore, would give a new lease in its stead, and that in this manner, long leases, and almost fixity of tenure would be practically introduced. To me this appears no objection. Although I object to the introduction of fixity of tenure by law as unjust and mischievous, yet I desire to see it so far exist in practice as to make it an exceedingly rare event for an honest, industrious tenant to be dispossessed as long as he is willing to pay a fair rent for the land. In the very case stated by way of objection, it is assumed that the tenant ~~was~~ rich enough to make, and ~~did~~ in fact make, improvements, which the landlord has not money to pay for; it is, therefore, good for the country that the tenant should retain the possession. It will be exactly one of those cases in which the change in the law will be most useful by inducing the tenant to undertake a duty which the landlord has not ability to fulfil.

The second objection was that the proposed law would lead to numerous frauds, by which the successors of landlords would be obliged to pay large sums for pretended worthless improvements. That the landlord by whose consent the improvements were made would frequently have no regard to the interests of his successor; and that from this feeling, or from indolence or neglect, the landlord would not take the trouble of ascertaining whether the improvements were properly made; that the tenant would scamp the work, and thus the successor would be unjustly charged. It would

be a sad reflection upon the landlords of Ireland to suppose that this should often happen; but even if they were likely to occur, they would prove the necessity for that amendment in the law which I propose, for what other hope could there be for the country, if the landlords are supposed to be so poor that they cannot make the necessary improvements themselves, and so indifferent, that when others undertake the task they will not even take the trouble of seeing that the duty is properly performed; and this although their own immediate interests are concerned, for the due execution of those improvements is the best security for the punctual payment of their rent.

To prevent the possibility of abuse, however, it might be expedient to enact that no improvement should be a charge upon the land unless it was executed under the superintendence and to the satisfaction of a surveyor appointed by the Board of Works. The advice and assistance of this officer would, in general, be worth more than the sum paid for his services. Something like this is done when money is expended on Government loans.

VALUATION.

The capacity of land employed in agriculture to yield rent depends on the excess of the annual produce above the annual outlay necessary to secure that produce. Every circumstance, therefore, that tends to increase the amount or value of the produce, or that reduces the necessary or useful annual outlay, will increase the rent, or value of the land. No one, therefore, can form a correct judgment of the value of a farm by the mere examination of the land, however carefully and skilfully that examination may be made. But although the knowledge to be acquired by such an examination is not sufficient, yet it is a necessary preliminary to the formation of a correct judgment of the value of land.

Few persons are aware of the difficulty of this examination. It is not easy to compare several different farms as instruments of production, for the nature of the several products may be altogether unlike. One farm may be most profitably employed in raising wheat, another in fattening heavy bullocks, a third in flax, a fourth in green crops, turnips, mangolds, or potatoes. In each case it is the most profitable course of cultivation according to the skill of the farmer that determines the value of the land. Its capacity under any less profitable course of cultivation has little or no effect upon the value. Thus, if we are to compare two farms which are most profitably employed as old pasture, it would be almost useless to know their relative powers of producing wheat or flax. Still the inquiry must be made, for it may turn out that the present mode of cultivation is not the best adapted to the nature of the soil. The land that at present yields indifferent wheat may produce admirable and profitable crops of flax, and thus enable the cultivators to pay a fair rent, and reap a handsome profit. The valuator must, therefore, be a skilful farmer, able to form a probable estimate of the results of the various modes of cultivation which may be adopted by a tenant of ordinary intelligence. Many days of laborious study, spent in elaborate calculations and careful analysis

of the soil, will scarcely be sufficient to enable the valuator to form this estimate.

But many things are necessary to be known besides the nature of the soil and the condition of the farm. It is necessary also to know the prices of the various manures in the neighbourhood, and the distance from which they must be drawn. The distance from the markets for the produce, and the character of the roads, must be taken into consideration. Of two farms equal in natural fertility, that one may be much more valuable, which has good quarries of limestone in its immediate neighbourhood, or which is situated close to a market town. Many other things are to be considered, but I have said enough to show how utterly inadequate to the occasion is the cursory inspection that is made by the professional valuator. All that he often does is to find out what is the rent actually paid for the adjacent farms, and whether the farm he is valuing is better or worse than those, and then to make an abatement or increase on the result so obtained, according to the purpose for which the valuation was made. If the valuation is made for the purpose of taxation it is generally made low, for then there is less likelihood of an appeal. If the owner gets it valued for the purpose of a sale, the valuation is apt to be high, as more likely to suit the interests or wishes or feelings of the employer.

The following cases are fair specimens of the discrepancies which are to be found in different valuations made of the same property.

Since I wrote the above, the estate of John Campbell Jones was offered for sale, and the following are the differences between the valuations made by a civil engineer and by the Ordnance valuation of the same lots :

KILLIEWINGAN.

Engineer	...	...	...	...	...	£120	0	0
Tenement valuation	...	...	...	...	...	57	0	0

No. 5.

Valuator	...	...	...	...	...	£8	10	0
Tenement valuation	...	...	...	...	...	2	5	0

RATHCLINE.

Valuator	...	...	...	...	...	£29	17	7
Tenement valuation	...	...	...	...	...	8	0	0

FOX AND CALF ISLAND.

Valuator	...	...	...	...	...	£40	0	0
Tenement valuation	...	...	...	...	...	3	0	0

Lot 9.

Valuator	...	...	...	...	...	£10	0	0
Tenement valuation	...	...	...	...	...	1	6	0

Lot 10.

Valuator	...	...	...	...	...	£8	4	3
Tenement valuation	...	...	...	...	...	1	4	0

In the estate of Rutledge the following are two of the valuations :

CREGGANROE.

Valuator	...	...	...	...	...	£53	1	7
Tenement valuation	...	...	...	...	...	17	10	0

BALLYKIT.

Valuator	...	...	...	...	...	£226	13	7
Tenement valuation	...	...	...	...	...	131	12	0

Although the valuations which I have stated differ so much, I believe that they were all honestly made by careful and skilful professional valuers. I have given those examples, not as being the most remarkable that could be found, but because they were the most striking cases that came before me within a few days after I made the above remarks. I believe that in those cases both the valuations which I have contrasted were intended to be fair, and were made by skilful valuers.

It may be asked, is there no mode of valuing a farm? must the tenant make a mere guess at what he is to offer? No; the landlord and the intending tenant have means of knowing the value of the land which no other person is likely to possess and to employ. They both may know the past history of the farm, and of all the farms in the neighbourhood; what rent was paid for them, in what manner they were cultivated, and whether the tenants appeared to thrive on them, or the contrary. No man has such an interest in discovering the exact value as the person who proposes to become a tenant, and as his object is to make a profit by his occupation as farmer, it is not to be supposed that he will give more for the land than he can pay, reserving a reasonable profit to himself.

But if there is any valuator in whose judgment the tenant has more confidence than in his own, there is nothing to prevent him from calling in his aid and declining to offer a higher rent than this skilful valuator will recommend.

LAW OF DISTRESS.

Formerly the landlord could not sell, now he can. Formerly he could not distrain after the termination of the lease. Formerly he could not distrain except on the premises. Formerly corn in sheaves, or hay in ricks or barns could not be distrained. Formerly an execution at the suit of another creditor prevented a subsequent distress. Those five privileges to the landlord were unknown at Common Law. Ordinary creditors could arrest before judgment, and imprison the debtors unless they gave bail, and the debtor once in prison remained in for life. This privilege was thought as essential to the security of the fair trader against his fraudulent debtor, as the right of distress is supposed to be to the protection of the landlord. However, after very mature consideration, the legislature has deprived the ordinary trade creditor of his power of summary arrest and perpetual imprisonment of his debtor, and trade gets on very well notwithstanding this change in the law, and there is no reason to suppose that land would lose its value, even if the landlord should

be deprived of his extraordinary privileges, and placed in the position of a common creditor. It is clear, that even with equal laws the landlord will be preferred to the ordinary creditor. The landlord has the right of ejection, for which increased facilities ought to be given. The tenant, therefore, must give up his farm, with very little prospect of being able to get another farm unless he pays the rent. Even if he were able to get another farm, the loss on the removal would be nearly equal to a year's rent, while the loss on the change from one tradesman to another would be nothing. A man without any credit may obtain goods for ready money, but unless rent is payable in advance some credit must be given to the tenant, as the land is enjoyed before the rent is payable. The landlord ought to be bound to make the same inquiries that every prudent person makes before he parts with his property.

In the case of an insolvent tenant, the landlord escapes much better than an ordinary tradesman who sells goods upon credit to an insolvent customer. The landlord gets back his land, having lost only the temporary profit that might be made of it; but the tradesman loses not merely his profit on the transaction, but the actual goods themselves which formed a portion of his capital. A banker would think that he was carrying on a very safe trade if he could be sure that in the case of any insolvent customer he should recover back the money actually lent, minus only the interest or the profit on the transaction.

It has been urged that the law of distress is useful, as it enables the tenant to get more extended credit from his landlord, and that this credit in some respects supplies the place of capital. As a fact, however, the landlord who sets his land at a reasonable rent has never occasion to resort to the law of distress. But is not this argument in favour of the law of distress precisely the same argument that was weighed and found wanting when the stringent remedies, which other creditors possessed, were taken away by act of parliament? It was then feared by many, that if the poor man was not to be liable to a long imprisonment for his debts, he would be unable to obtain the credit necessary to carry on his business, or to support himself and his family. It was also feared that the want of credit might throw him into the hands of usurers, or of others who would charge an excessive profit to make up for the risk that they ran. This last objection does not apply to the abolition of the law of distress, for it cannot be pretended that such a change in the law would induce the landlords to demand a higher rent.

It has not been found that the poor man suffers from want of credit caused by the change in the law; on the contrary, it has had the effect of making character more valuable, and prudence more necessary. It is far better that the poor should feel the advantage of ready money dealings.

There is no reason to doubt that it would be a great advantage to all parties if the landlord was obliged to trust more to the character and means of his tenant, and less to the summary process of the law, if a very short statute of limitations was placed on his demands, and if ready means were afforded him to recover possession of the land from the tenant who neglects to pay for it. This last remedy,

that of ejectment for non-payment of rent, is, notwithstanding the outcry raised against evictions, at once the mildest and most equitable. It would be like the case of a tradesman who should refuse to furnish any more goods to a man who had neglected to pay his last account. A tenant who cannot raise money enough to pay his rent cannot cultivate his farm skilfully. At present it may be said that the law of distress, and the large arrears that are legally recoverable, prevent the tenant from getting credit elsewhere. But if the law of distress was abolished, and only one year's arrears of rent made legally recoverable, every tenant with an adequately stocked farm would possess sufficient credit with his banker or the tradesman in his neighbourhood. Of all the people with whom he deals there is probably not one who cannot give him credit more conveniently, and therefore on better terms than the landlord can, for the latter is frequently himself an embarrassed man. In many instances the embarrassments of the landlords have been much increased by their ignorance of the exact state of their affairs, and their inability to calculate how much they might be certain of receiving each year from their tenants. The man who owes £5,000, and has no money to pay it, is in reality not in so bad a condition as the man who owes £10,000, but has £5,000 due to him on indifferent security; but the latter is more likely to be ignorant of the deplorable state of his affairs—whenever he thinks of any particular debt, he is able to comfort himself with the thought of some credit that he can set off against it.

III.—*Report of the Council at the Opening of the Eighteenth Session.*

[Read Saturday, 26th November, 1864.]

THE review of the past session of the Society affords abundant matter for congratulation, and permits of the council to indulge in sanguine anticipations for that which is to-night inaugurated.

At the opening meeting of the past session Dr. HANCOCK, one of your honorary secretaries, read an obituary notice of the late President of the Society, Archbishop WHATELY, and brought to your recollection such portions of his life as indicated the extent of his services to the advancement of social science, and as showed the lively interest he so long took in our advancement and prosperity. The presidency of this Society, vacated by the death of that distinguished prelate, was during the past session conferred upon, and is now held by, one who has taken a no less warm interest in our welfare, and the pursuits which engross our attention,—himself an eminent economist and deep thinker upon social problems,—the Honorable Judge LONGFIELD.

The address by which Dr. INGRAM, V.P., inaugurated the past session laid before you considerations on the present economic circumstances of Ireland, and the measures which appeared to him

necessary to insure her future prosperity. That address attracted to this Society a very large share of public attention, and was vigorously criticised in England, and Scotland, as well as Ireland. Dr. INGRAM himself contributed to the discussion, and read during one of the ordinary monthly meetings of the session a paper comparing the English and Irish poor laws with respect to the conditions of relief—in which he advocated the extension of the English system to Ireland, and the introduction of what in his opinion would be a more just and generous administration of our poor laws, particularly in the granting of an extension of out-door relief.

PAPERS READ DURING THE SESSION.

Mr. HERON, Q.C., in a paper entitled "Ireland in 1864," stated views very much opposed to those advocated by Dr. Ingram, and contended that the emigration going on from this country should be regarded as a sign of the existence of evils of long standing and still in active operation. The result of this wide and able discussion of the position and future of Ireland was decidedly beneficial, and tended very materially to a right understanding of this great problem, and by dispelling prejudices and narrowing the ground within whose limits a solution was to be found, tended also to lighten the labors of those whose duty it may be to investigate what is now known as "*the case of Ireland.*"

Mr. JONATHAN PIM, V.P., brought before the Society the claims of some helpless classes who most require an advocate, and in a paper "On the necessity of a state provision for the deaf and dumb, the blind and the imbecile," clearly pointed out the several wants of each of those afflicted classes, and indicated what in his opinion were their claims upon the State for a provision. At the close of the paper Mr. O'SHAUGHNESSY, one of your honorary secretaries, mentioned statistics calculated to shew how pressing the evil had become in Ireland, by reason of a large increase in the number of idiots and insane people, and forcibly pointed out the evil results of confining these latter classes in workhouses and prisons. It appeared from the discussions, that whilst the recent act for England, 25 and 26 Vic., c. 43, § 10, enabled guardians to pay for lame, deformed, and idiotic persons in public institutions, the statute for Ireland, 7 Vic., c. 92, § 14, applied to the deaf, dumb, and blind only, and did not extend to the deformed or idiotic. There is reason to hope that the attention attracted to this important question, the publicity given to many painful cases in England, and the representations of the government departments connected with such classes in Ireland, will induce that legislative interference the necessity for which was so clearly demonstrated by Mr. PIM and Mr. O'SHAUGHNESSY.

Mr. URLIN, in a paper entitled "Remarks on the dwellings of working men," and Professor HOUSTON, in one "on recent efforts to provide cheap and wholesome diet for the laboring classes," brought under the notice of the Society the manner in which the humbler classes are housed and fed, and pointed out remedies for what are admitted to be crying evils. Dr. MAPOTHER, also, in a valuable paper on "the present sanitary condition of Dublin," further elucidated the subject. It is satisfactory to know that Dr. MAPOTHER

has been since appointed to the post of Officer of Health for this city, which will give him ample opportunities of diffusing information necessary for the maintenance of health and the preservation of life.

Mr. JOSEPH JOHN MURPHY, in a paper "On the debt and taxation of Ireland," carefully considered the report of the special committee of the Municipal Council of Dublin on the state of the public accounts between Ireland and Great Britain, and stated, as the result of his investigations, that the figures of that report did not support its inferences, and that in his opinion the taxation of Ireland was not excessive as compared with that of Great Britain. In the discussion which followed, the opposite view was ably supported by Alderman DILLON and Mr. MICHAEL MORRIS, Q.C. The Society was thus afforded an opportunity of judging of the merits of a grave and important controversy, which afterwards engaged a committee of the House of Commons for a considerable part of the last session. The subject was also inquired into by Dr. HANCOCK, by the direction of the Irish Government, and Dr. HANCOCK's afterwards published "Report on the state of Public Accounts between Great Britain and Ireland," contains much valuable information.

The other subjects more immediately connected with Ireland which were brought under consideration, were "The Reform of the Grand Jury Laws," by Mr. JOHN L. CONN; "Female Emigration from Workhouses," by Mrs. CHARLOTTE STOKER; and "Criminal Statistics, especially with reference to population, education, and distress in Ireland," by Mr. O'SHAUGHNESSY.

The incompleteness of the criminal and other judicial statistics heretofore in Ireland, which the writer of that paper called attention to, has since been in a great degree remedied by the publication, under the authority of government, of a body of useful information, compiled by Dr. HANCOCK, upon the plan of the *Judicial Statistics* issued for some years past in England.

In the department of jurisprudence, papers on "Trial by Jury in relation to the subject of unanimity," by Mr. HENRY DIX; and (suggested by a contemplated measure of Lord Westbury), "Abolition of Imprisonment for Debt," by Mr. RICHARD P. CARTON, were brought before the Society during the session.

Lastly, one of your Vice-Presidents, Mr. JAMES HAUGHTON, laid before the Society his views upon "Free Trade—the abolition of Customs and Excise Duties—and a sketch of a simpler and better mode of raising a revenue."

The Journal of the Society placed in the hands of members many of these papers very shortly after each had been delivered. The practice of printing after each paper a resumé of the discussion it had called forth has been attended with great advantage. Views either corroborative or corrective of those of the writer of the paper thus get the same publicity.

The secretaries of departments have revised the topics suggested for investigation and discussion, and they have been inserted in the number of the Journal, which has just been placed in the hands of the members.

BARRINGTON LECTURES.

In the management of the Barrington fund for providing lecturers upon political economy, the council granted a course of lectures to Lisburn, Belfast, Cork and Kingstown. The subjects which the lecturer (Mr. A. M. PORTER) selected were of a practical kind ; the leading popular topics of the day being used to illustrate general principles, and in this manner he has, in the opinion of the Council, borne fully in mind the special wish of the generous founder, namely, to diffuse the knowledge of the principles which should regulate the relationship between the employer and the employed, to teach to master and to workmen their reciprocal rights, duties and responsibilities. The term of three years for which Mr. PORTER was appointed having terminated during the past session, your Council are glad to be able to express their entire satisfaction with the manner in which that gentleman discharged his duties, and also their belief that through his able agency sound views of economic science have been very widely diffused.

When the period of Mr. PORTER's office drew to a close, the Council in the month of May last caused advertisements for candidates for the office to be inserted in the leading papers of England and Ireland. Candidates were thus apprised that they would be tested as to their knowledge of economic science by an oral examination, to be conducted by three members of Council, being professors or ex-professors of political economy in the University of Dublin ; and that their ability to address a public audience would be tested by the delivery of a lecture by each candidate on a subject selected by himself, the lecture to be of not more than a half hour in duration, and to be delivered in the presence of the Council. Judge LONGFIELD and Professors CAIRNES and HOUSTON undertook the conduct of the preliminary examination in political economy, and deserve the marked thanks of the Society for their able and efficient discharge of a laborious task. Of the candidates who presented themselves, six passed a highly satisfactory examination in economic science, and subsequently delivered lectures of no ordinary merit before your Council, who, after anxious consideration, elected Mr. JOHN MUNROE, barrister, M.A. (Queen's University), to the vacant office.

PRESENTATIONS TO THE LIBRARY.—The Council have to acknowledge the receipt of some valuable statistical returns, published by the Government of the kingdom of Holland, and forwarded by M. DE BAUMHAN ; also from Mr. ARCHER, Register-General, the statistics of the colony of Victoria ; and from the Librarian of the *Institute National* of Geneva, the *Bulletin* of that Society.

The financial affairs of the Society are in an excellent state, and the large increase in the number of members which marked the last session will ensure the continuance of our present efficiency. The expenditure of the Society has been carefully analysed, and many valuable reforms suggested in an able report by Messrs. PIM and TODHUNTER have been carried out.

In fine, the Council, on a retrospect of the past session, are able to report that the reputation of the Society has increased—its advantages have been widely diffused—the study and solution of those social and economic problems which are our peculiar province have

been steadily borne in mind, and in no ordinary degree our Society can boast that it has created, on many great and pressing questions, that anxious public discussion which is the surest herald of actual, of legislative reform.

IV.—Abstract of Paper *On the Dwellings of Working Men in Cities, and the efforts that have been made to improve them.*—By R. Denny Urlin, Barrister-at-law.

[Read Wednesday, 16th December, 1863.]

I HAVE undertaken to bring forward this subject, not that I hope to state anything which shall be new, but because the subject appears one which should no longer be overlooked by this Society.

In the first place, I venture to lay it down as undeniable that the condition of the working people in our cities is very much to be deplored. It is sufficient to quote from an address delivered by the Earl of Shaftesbury, a description which is nearly as applicable to Dublin as to London:—

“The domiciliary state of whole legions of our fellow citizens has been with me, for some time, a subject of observation and inquiry: and I do not hesitate to assert that it lies at the root of nineteen-twentieths of the mischiefs that we seek to redress. Not only the actual dwelling, but the situation of it, the character, physical and structural, of the locality, whether it be street, or court, or alley, or some deep, dark, and poisonous recess, never penetrated, except by its own wild and unknown inhabitants, must be included within the term ‘domiciliary state;’ and in those places,—low, narrow, with a death-like darkness, impervious to light or air (the work of greedy speculators uncontrolled by law)—are aggregated all the fearful influences that breed evil, and neutralize good wherever it seeks to establish a footing among those neglected classes. Fever and disease of every kind prevail; a poor standard of physical strength, the result of the fœtid atmosphere they inhale by day and by night, deprives them of power to do able-bodied work; while loss of energy and depression of spirits drive them to seek life and support in vice and intoxication.”

“Their modes of existence are sometimes diametrically opposite. A large mass is found in the perpetual din and whirl of close-packed multitudes. A smaller, in the remote and silent retreats of filth and pestilence (through which no thoroughfare passes), dwells in a kind of savage solitude, seldom emerging by day from their hiding places, and rarely visited. But whether in great or small numbers, whether in the most active or the most tranquil quarters, all are equally shut out from the possibility of domestic life. A dozen families in a single house, though barely sufficient for two; as many individuals of both sexes and of all ages in a single room, the common and only place for cooking, washing, and sleeping; the want of fresh air, the defect of water, of every decency, and of every comfort, give proof enough. We need not wonder why the gin-shop and the tap-room are frequented; why crime is so rife; why children are ragged and ignorant; and the honest dignity of the working-man’s home degraded or forgotten. These poor people, by no fault of their own—for they did not create the evil, nor can they remedy it—are plunged into a social state which is alike dishonourable and unsafe to our common country.”

It matters little where the enquiry is made, the artizan will usually be found living in a room where there is too little light, too little air, bad drainage, an insufficient water supply, and a disregard of cleanliness. There is in every city a number of gloomy streets

and alleys which have seen better days, and are now—in various stages of decay—given up to the working people, the bees of the social hive. They must live near their employments and near the markets, and are therefore compelled to become the occupants of these faded, poverty-stricken tenements. Their landlords, as a class, are bent on realizing the largest amount of profit, without regard to the health or comfort of the tenants. Miserable as may be the cabin of the peasant, pure air circulates round it, and it has no direct tendency to shorten the life of its occupant. It is otherwise with the poorer inhabitants of our cities. In cities and towns the mortality among the working classes is high; and is due less to their occupations or to their want of food, clothing, or other comforts, than to the condition of their dwellings. It is conclusively shown that in a given street where the population is of the same class, the usual rate of mortality shall be 25 in the 1,000, but that in two or three houses which have been built or refitted with a due regard to ventilation and sewerage, the rate of mortality shall be but 13 in the 1,000. It is therefore possible to extend the average duration of life among the industrious classes, by simply improving their abodes.

And the inhabitant of a dark and filthy room, when the hours of labour have ended, can have no wish to return to it, while he has every temptation for seeking the comparative comfort of the public house. A miserable dwelling has a definite effect upon the mind and habits of its occupant. The Bishop of Ripon declares that “The physical circumstances of the poor paralyze all the efforts of the clergyman, the schoolmaster, or the city missionary, for their spiritual or their moral welfare. . . . Every effort to create a spiritual tone of feeling is counteracted by a set of physical circumstances which are incompatible with the exercise of common morality.” The effect of a squalid, miserable home on the minds of children must be to prepare them for abandoning without regret their native land. In a new country even the poorest man may indulge in dreams of better days, with hope of their realization; and even while he remains poor he may live in a comfortable home, where, obtaining the respect of others, he may respect himself.

Emigration, however, does little to benefit the condition of those who remain. The town populations are constantly replenished from the provinces, and the streets and alleys are as densely thronged as ever. Every city improvement or new railway displaces persons who must find dwellings elsewhere; and in this way the destruction of some houses of the poorer kind aggravates the crowded state of the rest. This branch of the subject has received much attention in Paris, and care has been taken to build up in the suburbs houses for workmen to replace those which have been levelled in the creation of new boulevards.

We cannot expect our government to improve the dwellings of the poor. The work must be done by private zeal and enterprise. And it is a work which the poor cannot accomplish for themselves. They have not yet learned what an influence on life and health is exercised by pure air, light, water, and cleanliness. Their landlords are as little likely to improve dwellings which are at present

highly remunerative and cannot be reconciled to sanitary laws without considerable further outlay. In this and in other cities, there are a few large employers who care for the condition of those by whose toil they are enabled to accumulate wealth—but the number of such is small. The view which *capital* takes of its responsibilities towards *labour* may be the correct one ; but under this system the gulf widens between the rich and the poor. I do not assert that the working man has a *right* to anything beyond his weekly wage, even while his exertions are building up the fortunes of his employer; but it may be prudent of those who employ labour, to bestow thought on the condition of those beneath them. It is better for many reasons that employers and employed should be more closely connected by ties of sympathy and mutual good will.

But even did the large employers of labour better the condition of their workmen, there are thousands whose homes would still remain unimproved. Their employments are fluctuating, or their employers cannot aid them. It is indeed of the utmost importance that private efforts should be continued, and extended ; that the absolute necessity of sanitary regulations should by every means be impressed on the minds of the poor. With this view it should be made a part of the systematic teaching in all national and other schools, that life and health to a very great degree depend on certain conditions which have been placed within human control. Every teacher should himself be fully instructed in, and should be bound to inculcate, the virtues of whitewash and of open windows.

To learn a practicable remedy for the miserable dwellings which crowd our poorer streets and lanes, we must enquire into the results of societies which have been founded in other parts of the United Kingdom.

About the year 1844, there was founded the London Society for improving the condition of the labouring classes. The first experiment was the opening of a model lodging house. Three old houses were purchased and refitted, at an expense of £1,163. They were opened, at the usual prices charged for similar accommodation, and have since afforded a home for about 80 working men. The annual receipts amount to £414, from which must be deducted various expenses, leaving a clear annual income of £172. This is equal to a dividend of 14 per cent. on the outlay; and is the most favourable result, financially, which the Society's operations reveal.

Another experiment was the erection of a handsome "*Model Lodging House for Families*." It was considered essential to disconnect the sets of rooms, so as to ensure the privacy of families, and also prevent the spread of contagious disorders. This was done by means of external galleries or corridors. There are wash-house and bath and drying-ground. The building is fire-proof—the floors and roofs being arched with hollow bricks—and the *extra* cost of the fire-proof construction, was one per cent. on the entire outlay. The building and land cost in all nearly £9,000 ; and for this sum the Society has to show 54 comfortable homes for families, which produce a clear income, after payment of all outgoings, of £413 per annum.

Further, the Society in 1850 erected a model building in Portpool-

lane, for 20 families, and also for 128 single women, who only pay a shilling a week each. There are public wash-house, drying-room, &c. This cost about £9,533, and produces, after payment of all expenses, a clear revenue of a little over £300 a year. This is the *least* remunerative of the Society's undertakings.

I have arranged in a tabular form the results of 5 of the Society's buildings, selected as most likely to show the average results of experiments on various scales and in different localities.

Year ending December 31st, 1862.	Portpool Lane. Dwellings for 20 families and 128 single women. Cost £9,533 15s. 7d.	George's street. Dwellings for 104 single men (with se- parate dormi- tories), at 2s. 4d. a week each. Cost £6,426 14s. 2d.	Streatham street. Dwellings for 48 families, fire-proof, with baths, wash house, and drying ground. Cost £8,916 15s. 11d.	Charles street. Lodging house (altered) for 82 single men, at 4d. a day or 2s. a week. Cost £1,163 14s. 2d.	Hatton Garden. Model Lodging House for 54 single men (separate dor- mitories). Cost £1,077 14s. 7d.
Gross rentals from ten- ants	£ s. d. 527 4 6	£ s. d. 669 7 6	£ s. d. 758 1 9	£ s. d. 414 12 10	£ s. d. 337 13 0
Rent, rates, taxes, wa- ter, gas, insurance, salaries, wages, re- pairs, washing, and all other outgoings	222 14 9	431 7 1	344 7 9½	242 9 1½	249 16 2
Net rent—profit ..	304 9 9	238 0 5	413 13 11½	172 3 8½	87 16 10

It is unnecessary to specify the other undertakings of this Society. The conclusions which may be arrived at are as follows:—
1.—Commodious homes for families may be built in cities in fire-proof blocks, at a cost averaging about £150 for each dwelling. These buildings may be expected to yield a dividend of from 3½ to 5 per cent. 2.—Existing houses may be refitted on sanitary principles as lodging houses, which will produce a dividend of from 10 to 14 per cent.

Their sanitary results have been remarkable. Since their construction, London has twice been visited by a fatal epidemic; but although the vicinity of the model building has suffered, the contagion has been arrested at the threshold. Typhus is unknown; and although the average rate of mortality in the districts has been from 26 to 28 in 1,000, in the Society's premises it has been less than 16 in 1,000, *i. e.* lower than at *Eastbourne* or *Worthing*, the healthiest towns in England.

The second great society is the "*Metropolitan Association for improving the dwellings of the industrious classes.*" This society has 8 buildings, which accommodate 414 families, and also two large lodging houses, one for 234 and the other for 128 single men. The capital is raised in shares, and the liability of shareholders is limited by Charter.* It appears that the outlay has been nearly £90,000;

* The late lamented Earl of Carlisle was one of the promoters of, and largest shareholders in, this society.

that for the year ending March, 1863, the gross rents have amounted to £8,186, from which must be deducted the rent, taxes, rates, gas, and all other outgoings amounting to £4,674. The balance of profit is £3,511; out of which a dividend of 3 per cent. free of Income Tax has been paid, and £238 has been carried over to a Guarantee Fund increasing that fund to £2,008. The late Dr. Southwood Smith, who was one of the Directors, wrote as follows:—"If the whole of the metropolis had been as healthy as the Metropolitan Buildings, Old Pancras-road, on an average of three years, there would have been an annual saving of about 23,000 lives!" a calculation which bears out the startling assertion made by Mr. Simon, the medical officer of the City of London, that "of the 52,000 deaths which occur annually in the metropolis of Great Britain, one-half might have been averted by the use of means at our disposal, whilst the untold amount of acute suffering and lingering disease caused by neglect is beyond calculation."

The mortality last year among all the tenants of the association was at the rate of 20 in 1,000. The general rate of mortality in the City of London being 28 in 1,000, and in Whitechapel 36 in 1,000. The Metropolitan association has branches in *Ramsgate* and in *Bristol*. The former pays a dividend of 4 per cent. on an outlay of £1,676. The latter pays a dividend of only $2\frac{1}{2}$ per cent. on an outlay of £5,837. As in the case of the other large association, I append a tabular statement showing the financial results of five of the Society's undertakings, which may be taken as fairly representing the rest.

Year ending March 31st, 1863.	Albion Build- ings, Bartho- lomew-close, for 24 fami- lies. Cost £2,381 18s. 1d	Nelson-square, Bermondsey. Buildings for 108 families. Cost £23,051 18s. 2d.	Pancras square. Model build- ings for 110 females. Cost £18,306 18s. 3d.	Queen's Place, Dockhead. Building re- fitted for 10 families. Cost £111 8s 2d.	Albert-street Chambers, Mile-end. Model lodging house for 234 single men. Cost £13,772 7 3
Gross rentals from te- nants	£ s. d. 253 0 9	£ s. d. 1,573 7 0	£ s. d. 1,625 10 7	£ s. d. 102 19 0	£ s. d. 1,160 8 6
Rates, taxes, water, gas, insurance, sala- ries, wages, repairs, washing, and all other outgoings ..	92 15 6	498 4 4	645 11 5 (including 89 13 2 rent.)	81 9 9 (including 48 2 4 rent.)	999 2 7
Net rent—profit ..	160 5 3	1,075 2 8	979 19 2	21 9 3	161 5 11

Few visitors to the exhibition of 1851 omitted to notice the "Model Cottages" erected by the late Prince Consort not so much to induce persons to build exactly on the same plan as to show that by a small outlay comfortable and handsome cottages might be built. In 1852 the *Windsor Society* was founded for building such cottages. It is found that their superior ventilation, drainage, and

airiness resulted in a degree of healthiness among the occupants which is above the general average of the town. The dividend is at the rate of 5 per cent.

Another instance of the successful building of model cottages is found at *Shadwell*, Middlesex, where Mr. Hilliard has erected 28 of them, each for 4 families. Each home for a family costs about £122; and the net return is at the rate of 6 per cent. Some remarks made on the subject of this enterprise by Mr. Glover the Medical Inspector, exhibits the effect produced by Model buildings. "The erection of these Albert Cottages, provided with arrangements essential to health, comfort, and morals, is producing the happiest results in the neighbourhood. Tenants have become sensible of the discomforts and evils of their unwholesome dwellings, and will not remain in, or take, houses without many improvements which formerly they were content to do without, and landlords are finding it to their interest to improve their old houses, and in constructing new ones to provide superior accommodation and conveniences."

About one-third of the sum munificently devoted by Mr. G. Peabody to the relief of the London Poor has been already expended in the erection of blocks of residences at Islington and Spitalfields. When the entire sum of £150,000 has been so laid out the Trustees expect the income of their ten buildings to amount to £6,000 per annum, which rental will be periodically reinvested in similar buildings.

In about thirty other places in England and Scotland Societies have been formed for building up homes for the industrious poor: and the results have been on the whole encouraging.

In *Dublin* some attempts have been made to provide improved dwellings for working men. About the year 1853 a model lodging-house was established in Marlborough-street, and soon afterwards one in Capel-street; but the latter has now become an hotel for a similar class of tenants. Its history suggests that the artizan or clerk wants more than a place of rest—he needs food and refreshment. The model lodging-house for families in Lower Bridge-street, Dublin, is a somewhat irregular pile of buildings, partly of recent construction. They have the advantage of excellent drainage and of an abundant supply of water. They will accommodate about thirty families, who are weekly tenants, paying rents varying from 1s. to 3s. 6d. per week. There is no difficulty in finding eligible tenants. It so happens that the tenants are mostly employed either as hatters or as letter-carriers. No tenant is allowed to work at his trade on the premises. My informant said that the amount of wages of the working man had nothing to do with the comfort of his dwelling. The workman receiving but 12s. a-week is often as comfortably lodged as his fellow whose wages are 20s. or even 28s. a-week.*

I shall not discuss the dwellings of the agricultural poor. The

* These buildings are the property of Mr. Vance; and I am not able to state whether his praiseworthy undertaking has yielded an adequate return on the outlay. Any notice of the attempts made in Dublin to better the condition of the poorer classes would be incomplete without some reference to the excellent Dormitories and Night Refuges with which the name of the Rev. Dr. Spratt is honourably connected.

condition of farm labourers is often lamentable ; but they are more happily situated than city artizans. Admirable cottages have been built in many places by landlords. They are often built in disregard of sordid considerations, often from benevolent motives, often with a view to ornament the entrance to the demesne.

But this passing thought of rural cottages leads to another. Is it possible for the city workman to find a home away from the city, to which he can return after his work is ended ? a cottage home with a plot of ground which his children may cultivate ? The father of the family would no doubt be away from home during the day, and would find a long walk a serious addition to his toil. There would also be difficulties in the way of purchasing necessities. I am not aware that the experiment has yet been fairly tried. The present fares charged by railways would render the thing impossible. But with weekly tickets at reduced rates there might be a chance of establishing suburban villages for city working men.

The most effectual method of improving the dwellings of the city poor, has been now indicated. An association should be formed in every city and large town ; and it is better that the basis should be *commercial* than *charitable*. The working man, labouring honestly, and earning wages, is willing to pay the value of all that he receives ; and to treat with him otherwise is to injure his self-respect and to degrade him. For a filthy, unwholesome tenement he pays as much as he ought to pay for an airy and healthful abode. Those who wish to provide him with such a home must enter into competition with the sordid landlords who now trade on his necessities. Such an association, if formed in Dublin, would purchase houses in various parts of the city. The existing buildings must be fitted anew, gas and water supplied, sewerage and ventilation made perfect. Houses in courts and blind alleys should be avoided : for in them there cannot be ample circulation of air. The occupants must, by strict regulations and frequent supervision, be induced to carry out the sanitary part of the scheme. It is shown by the experience of twenty years that these refitted buildings are remunerative.

Dublin offers peculiar facilities for carrying out this plan, as it possesses many streets which have fallen in public estimation, where large and substantially built houses may be procured on most moderate terms. It is too much our daily habit to pass the ends of dark city streets, without even giving a thought to their inhabitants. Home is to us a sacred word, suggestive of many things. What is the home of the working man ? But the question may touch us yet more nearly. This city has unaccountably escaped attacks of epidemic disorder. Do not conclude that there is an immunity against these attacks. We may yet be assailed by an enemy, which sleeps in foul alleys and obscure corners. Ever active and progressive science is discovering that death may be wafted unseen in the polluted atmosphere.

There are reasons enough, therefore, to lead our thoughts to the dwellings of the poor. By improving them we may more closely attach our poorer fellow-citizens to the land of their birth—we may destroy possible sources of contagion and disease—and we may elevate the industrious classes by giving them abodes in which home affections and home virtues will flourish.

V.—Abstract of a paper on *Railway Reform, or the Policy of the Purchase and Management by the British Government of the Railways of the United Kingdom*.—By Samuel McCurdy Greer, Esq.

[Read, Tuesday, 13th December, 1864.]

THE writer began by referring to the statute 7 and 8 Vic. chap. 85, by which the Lords of the Treasury, for the time being, are empowered to purchase any or all of the railways which should be constructed, under any act of that or any subsequent session, after the lapse of 21 years, from the 1st of January next, after the passing of their acts respectively, by simply giving to the company or companies in question three months' notice, and paying, with the sanction of Parliament, 25 years' purchase of the previous three years' *clear annual divisible profits*, upon the working of their line or lines. On the 1st January, 1866, all the railways established in 1844 may be purchased by the Government, under these provisions. The subject was therefore of pressing importance, and likely to be dealt with by Parliament during its next session. Several passages were quoted from a valuable treatise by Mr. William Galt, of London, printed originally for private circulation, but now about to be published, which advocates the policy of having all the railways of the United Kingdom purchased by the Government, and employed for the service of the people at the lowest rate that would be found practicable without loss to the revenue.

Mr. Galt objected to the proposed three years' average profits as the best test of value, because, by this plan, an improving line which had paid for the three years in question 3, 4, and 5 per cent. respectively, would stand on the same footing with one that was declining in value, and had paid during the same years 5, 4, and 3 per cent. respectively, with a very gloomy prospect for the future. He would prefer to take the current market price of shares as the true test of their value, and then allow a *bonus* of 10 or 15 per cent. beyond this, to induce the shareholders to transfer their investment to Government stock at the price of the day, and to insure their cordial concurrence in the proposed arrangement. From the advantage which the Government had in raising funds at a low rate of interest, they could save more than two millions a year out of the present receipts of the railways, after giving the bonus in question to all the shareholders. Another half million or more would be saved annually out of the parliamentary and other expenses to which railway companies are now exposed, from the keen competition now existing between different lines. With a fund of $2\frac{1}{2}$ or 3 millions a year to begin with, the Chancellor of the Exchequer would be enabled to reduce railway fares ultimately, if not at once, to about one-third their present figure. Few people would believe how little effect an enormous reduction of fares produced in the nett receipts of a railway company. As an example of this, he referred to the competition between the Edinburgh and Glasgow Railway, and the Caledonian, ten years ago, for the traffic between those two cities. The Edinburgh and Glasgow reduced their fares for the whole dis-

tance (46 miles), from 8s. for the 1st class, 6s. for the second, and 4s. for the 3rd class, to 1s., 9d., and 6d. respectively, or exactly to one-eighth of their previous charges for each class. Yet, after a contest which continued for a year and a half, and affected every train on their line, so vast was the increase of traffic, that the shareholders lost only *one per cent. per annum* upon their dividends, and their opponents, the Caledonian shareholders, lost only one-half per cent. *per annum* on their dividends. On the same principle, the railway companies realized large profits out of their summer excursion traffic, when the fares were reduced to one-half, or even one-fourth of their ordinary figure. But railway directors are bound to study the immediate interests of their shareholders, while the Government could take into account not merely the increased traffic returns from diminished fares, but the stimulus to trade and commerce generally which these would give, and the moral and social benefits generally which they would produce. These benefits were well illustrated by the reduction of the postage on letters some twenty-five years ago, from an average charge of 6d. or 6½d., to one penny on each letter; yet the nett revenue derived from the Post Office was now greater than before this wholesale reduction had been made. The gross revenue of the Post Office was now about 3½ millions sterling; but it was calculated that in 1865 the gross receipts of the railways would amount to ten times as much, say £35,000,000. If the Government, in return for this enormous sum (equal to half the taxation of the kingdom), could give three times, or even twice as much accommodation to the public for both passengers and goods as they now receive, what an unspeakable benefit it would be to the country! And yet this would not be done by means of any injury inflicted on railway shareholders, but simply by throwing open to the public some of that vast steam power which was now going to waste, when trains, which carried on an average only 50 or 60 persons, could as easily carry 500 or 600.

With regard to the management of the railways when in the hands of the government, Mr. Galt recommended a board of twenty-four members to be appointed by the leading railway companies, of whom four should represent Irish lines, and four Scotch lines, the board, of course, to be presided over like the Indian council by a member of the Government. Mr. Greer thought that plan might work very well, though disliking on principle the direct interference of the Government of this country in mercantile affairs, but did not see how it could be avoided in a case like this; and as for the abuses that some people dreaded, he thought there would be no department of the Government so well looked after, so thoroughly kept to its duty.

VI.—Abstract of a paper on *Railway Reform*. By Edward Gibson, M.A., Barrister-at-law.

[Read, Tuesday, 17th January, 1865.]

THE paper was intended to show the powers vested in the nation of purchasing up the railways of the United Kingdom constructed since 1844, and the arguments which have been advanced to induce the public to exercise those powers.

The Act 7 and 8 Vict. c. 85, passed 9th August, 1844, embodied the leading measures of reform suggested by a parliamentary committee, over which Mr. Gladstone presided. By the second section it is enacted "That whatever may be the rate of divisible profits on any such railway (*i.e.* any line constructed since 1844) it shall be lawful for the said Lords Commissioners, if they shall think fit, subject to the provisions hereinafter contained, at any time after the expiration of twenty-one years, to purchase any such railway with all its hereditaments, stock, and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said company three calendar months' notice in writing of their intention, and upon payment of a sum equal to twenty-five years' purchase of the said annual divisible profits, estimated on the average of the three last preceding years : provided that if the average rate of profits for the said three years shall be less than the rate of £10 per cent. it shall be lawful for the company, if they shall be of opinion that the said rate of twenty-five years' purchase of the said average profits is an inadequate rate of purchase of such railway, reference being had to the prospects thereof, to require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount shall be paid to the said company : provided also that such option of purchase shall not be exercised except with the consent of the company, while any such revised scale of tolls, fares, and charges shall be in force." The third section provides that existing railways shall not be subjected to the options; and the fourth section reserves to parliament the consideration of future policy in regard to the said options.

The entire mileage of British and Irish railways which had been opened when the Act was passed amounted to little more than 2000 miles, or something like one-sixth of our present railway system.

The question is capable of simple statement : "Is our present railway system so unsatisfactory, as to call for the exercise by the public of the purchasing powers reserved by the statute quoted?"

The evils of the present system are numerous and obvious. Railway companies, as a rule, pay more than a fair and legitimate price for the land they require, and, besides, they are too often put to enormous expense in obtaining their bills.

It has been stated, too, that the present tariff for the carriage of goods and passengers is far too high ; and, also, that the interest of the public always requires that many should be carried for small fares ; whilst, for the sake of a trifling immediate increase to their dividends, it is generally the interest of railway companies to carry

a smaller number at higher fares. Thus, and in many other ways, every item of unnecessary expense eventually falls upon the public, who, of course, cannot expect to have their great wants attended to, when they would in the smallest degree conflict with the interests of the shareholders, or would at all tend to lessen the dividends.

It is a great charge also against the present railway system, that there is no central controlling power, no uniformity of plan, no equal scale of charges. Each company has within its own discretion its rate of speed, the choice of hours of departing, and the number of journeys in a day, and generally possesses enormous powers, which by either a selfish, an injudicious, or a capricious use, can vitally interfere with the convenience of the public.

It is alleged against the advocates of the proposed change that they are opponents of Free Trade and enemies to competition. They answer, this is not a case for Free Trade; it is not applicable; in reality there is no room for competition. Railway competition usually appears only before parliamentary committees when rival companies wage a suicidal war, and recklessly urge their respective claims. The successful company obtains its bill, and if it subsequently constructs its line, what competition has it to dread? Practically, none; for parliament would be slow to assent to the formation of a second line running over almost the same country. With regard to management, it may be remarked that the policy of this country was, and is, to leave our great industrial undertakings to private enterprise; and our present government establishments for mercantile purposes, *e.g.*, our dockyards and arsenals are not models of economy, or schools of inventive genius.

The advantages claimed for the proposed change are principally founded on three facts:—1st, the superiority of public over private credit; 2nd, the comparatively small increase to a company's revenues from high fares and charges, as compared with low fares and charges; 3rd, the certainty that that difference could be met by the saving effected in the decreased dividend paid to the shareholders after the transfer of railways from them to the State.

The other advantages which it is alleged would follow the proposed purchase are, improved carriage of mails; better system of through booking; the opening of the labour market; general reduction of fares by one third, and of expenses of management by 25 per cent.; and the establishment of uniform rates for goods and passengers. The evils pointed out as deforming our present system would be also removed, but the most conspicuous change would be the establishment of a general controlling power, instead of a series of independent, and often hostile, boards of directors.

To state how parliament proposed to deal with the companies in regard to purchase, I read from Galt's pamphlet, pages 158–162:—
 “There were two different modes recommended to the committee for adoption in 1844. One was to take the average dividend paid
 “by the companies respectively for three years previous to the purchase by government as the standard of value, the other to take
 “the current market price as the basis on which the purchase should
 “be made. * * * * A little consideration will, I think, satisfy
 “any one that the first mode would entirely fail for many reasons.

“ * * * * Whether or not the legislature intended the Stock Exchange list to be taken as the great arbitrator on the value of railway property does not appear quite clear, but it certainly is the best we could have.”

It is proposed that the shareholders should receive a certain amount of 3 per cent. government stock; which, if retained, would pay them a much less dividend than they receive at present from their railways, but if sold, would yield a much higher price.

Two plans are suggested as to the management, one to let the railways out by contract to companies; the other to continue the present management with such modifications as the circumstances of the case might require.

DISCUSSION.

MR. SHANNON observed that on looking into the debates in parliament which took place on the Railway Act of 1844, he found that the object of the government at that time was not to secure the ultimate possession of all the railway property of the kingdom, but to prevent the undue aggrandisement of railway proprietors, who it was then expected would obtain extraordinary dividends at the expense of the public. These anticipations had not been realized. He stated that railway boards had got quite beyond the influence of the proprietors, who, in despair of ever recovering their rights, had but one hope remaining—that was that the State would take the matter into its own hands.

DR. SHAW could not understand why the Shareholders did not turn out the Directors, if they were dissatisfied with the manner in which their property was managed.

MR. J. W. MURLAND had not been able to ascertain that the present government seriously contemplated purchasing all the railways in the United Kingdom, which was a step so bold that even the present Chancellor of the Exchequer, under whose auspices the measure of 1844 was introduced, might hesitate before he undertook it. If, however, the legislature thought that the public would be benefitted by such a change in our railway system, they would, he was sure, be met in a perfectly fair spirit by both proprietors and directors. That all the advantages anticipated by Mr. Galt could ever be realized he did not believe; but if even a small portion of them could, it would be a great boon to the public. Mr. Galt thought that government could, owing to the superior security offered, borrow a sum sufficient to purchase the entire railway property of the kingdom, at one and a half per cent. lower than that yielded by railway shares. This gain he proposed to divide between the government and the railways, and taking the total value of the latter to be £400 millions, government would gain £3 millions per annum. But the issue of so much stock would raise the rate of interest, and government would probably not obtain the necessary funds under 4 per cent.; besides, the saving in the first instance could only be effected on the ordinary stock of railways, which amounts to about £204 millions, so that the saving effected would fall considerably short of Mr. Galt's estimate, and probably not

exceed £1,000,000 per annum. He quite concurred with that gentleman, however, with respect to the saving that would result from the absence of useless litigation, and the expense of constructing useless lines. The latter was the great incubus on railway property, unnecessary lines were made, which never paid, and diminished the area from which existing lines drew their traffic. But he was quite at issue with Mr. Galt as to the extent to which the reduction of fares and rates might be carried without loss to the government, if it became the proprietor of railways. It was true that within certain limits reduced fares were followed by increased traffic, but not at all to the extent Mr. Galt supposed. The facts appealed to by that gentleman did not bear out his opinion. The post-office was not an analogous case for many reasons. The great obstacle to letter-writing was the expense of postage: the great obstacle to travelling was not only its expense, but the loss of time, and the cost of living at hotels. There was this broad distinction, too, between the two cases. Expenses do not increase at all in proportion to the additional work done by the post-office. But additional traffic on a railway entails considerable additional outlay, especially goods-traffic, where more labour, waggons, storage, and engine-power are necessary, almost exactly according to the quantity carried. Mr. Galt's statement that coals could be carried from York to London for one shilling per ton shows him to be not practically acquainted with this branch of the subject; and seems to be based on a misapprehension regarding the meaning of a report made on the subject by one of the officials on the Eastern Counties Railway, in which no allowance is made for cost of rolling stock, or the cost of construction and general management of the railway. In fact, about a halfpenny per ton per mile is the lowest price at which coal can be carried by railways to leave a moderate profit, which from the Yorkshire coal districts to London would amount to about eight shillings per ton, instead of one shilling, as suggested by Mr. Galt. The case of excursion trains cannot be relied on to support his opinion, as artisans and people in business can only leave their employment occasionally, and no permanent reduction of fares would induce them to do so much oftener than they do. As to the fact of the dividends on the South Eastern and the Great Western Railways not being sensibly reduced by the lowering of the charge for the journey from London to Reading, this is accounted for by the insignificant proportion borne by the receipts from that particular traffic to the receipts from the entire of these two vast lines. Had either line no other traffic to support it save that between London and Reading, the result would have been very different. But, after all, the most difficult question remains behind—How can government work the railways? It is true that if they were able to do so efficiently and economically, they might confer great benefits on the public in the way, though not to the extent, stated by Mr. Galt. But how were they to do so? Here again the analogy of the post-office so much relied on failed. The business of that department is chiefly carried on by contract: the business of a railway cannot be so carried on. It had been tried by several companies to contract for the haulage, and also to contract for maintaining the way, and these attempts had

equally failed. It should be done by the direct hire of a vast amount of labour and many officials. These required the constant and vigilant supervision of persons directly interested in getting the work well and economically done. It is much to be feared that government would fail in this.

MR. GREER would remind MR. MURLAND that government had succeeded within the last few years in reducing the interest on the public debt. Why not then borrow at the low rate Mr. Galt stated? He quite concurred with MR. MURLAND in thinking that railways should not be leased out, but managed directly by the government. Under such a system the officials and the hands employed would, if promoted according to merit, be quite as energetic and efficient as they are at present.

DR. HANCOCK concurred with MR. MURLAND in reference to the effect on the money-market produced by the creation of so large a quantity of stock.

MR. ROSS and PROFESSOR HOUSTON quoted Adam Smith and John Stuart Mill, in opposition to and in support of the measure respectively.

VII.—*Proceedings of the Statistical and Social Inquiry Society of Ireland.*

EIGHTEENTH SESSION.—OPENING MEETING.

[Saturday, 26th November, 1864.]

THE Society met at 35, Molesworth-street, at 8½ o'clock, the President, Hon. Judge Longfield, in the chair.

His Excellency The Lord Wodehouse honoured the Society with his presence.

The following Vice-Presidents attended :—Right Hon. the Attorney-General, M.P., the Solicitor-General, Major-General Sir T. Larcom, K.C.B., Edward Barrington, J.P., Sir Robert Kane, Professor Ingram, Jonathan Pim, and James Haughton, J.P.

The Report of the Council was read by Mr. Edward Gibson, Honorary Secretary.

The President delivered the Inaugural Address.

Upon the motion of the Solicitor-General, Judge Longfield left the chair, which was taken by the Right Hon. Thomas O'Hagan, M.P., Attorney-General for Ireland.

The Solicitor-General, in moving "That the marked thanks of the Society are due to Judge Longfield for his very able address, and that he be requested to place the same in the hands of the Secretaries for publication in the Journal of the Society," said,—“I have been requested to propose a resolution to this meeting, which, I am sure, requires very few introductory observations from me; and I think it would be neither becoming, nor is it necessary, that I should attempt to discuss or criticise the very able address which we have heard. It is eminently suggestive, and furnishes an admi-

rable example of the mode in which difficult and delicate social questions may be handled in an assembly like the present. Judge Longfield is known to all of us by his connexion with this Society since its very earliest establishment. He is now, I may say, one of the oldest of the school of political economy which was inaugurated in this country by our late venerated President, which since has had so many followers, who have rallied around, and by their exertions contributed to the success of the Society. And I will say that, so far as the Society has been successful, it owes that success to this, that men find it is a place in which questions of the character we have heard discussed this evening are fully and temperately considered without the introduction of party politics, without the introduction of distorted or irrational views, and without those disturbing elements which a discussion in a popular assembly is often too apt to induce. The resolution which I have been requested to propose, and which I am sure will commend itself to the meeting, is, that the marked thanks of the Society are due to Judge Longfield for his very able address, and that he be requested to place same in the hands of the Secretaries for publication in the *Journal of the Society*."

The motion was seconded by Mr. John Barrington (Lord Mayor Elect), and passed unanimously.

The Chairman said:—"In putting the resolutions, which you will all accept most cordially, may I be permitted to congratulate the Society on possessing in its new President one of the profoundest thinkers and most accomplished scholars our country has produced in latter days—one who unites with rare abilities and attainments a still rarer simplicity and integrity of intellectual character. On the subjects dealt with in his address it does not become me in this place to offer any judgment. Some of us may adopt Judge Longfield's views—some may hold opinions adverse to them, but we must all concur in thinking it important to the country and the legislature that the momentous questions he has submitted to the consideration of this Society should have been investigated so fully by an intellect so masterly and so thoroughly informed.

Dr. Hancock (Hon. Sec.) said, "The resolution which is entrusted to me is one which requires but few words to introduce to this meeting. The opening of our session has been favoured by the presence of the able statesman who has been selected by her Majesty as her representative in Ireland, and our thanks are due to his Excellency the Lord Lieutenant for the honour he has conferred upon us so soon after his arrival amongst us. We are naturally prone to respect the high office which he holds—not alone as an ancient institution in the land, but as an office essential at the present day to the due and wise administration of the numerous and important departments of our local government; and that respect is enhanced when we find entrusted with that office a nobleman who, though not an Irishman, is so intimately connected with Ireland that he must necessarily take a deep interest in our affairs, and who, in other important offices of the State, has evinced the devotion to business and the statesmanlike capacity which at the present time can be nowhere so well employed as in the wise government and progressive improvement of this important portion of the

empire. In the short time that his Excellency has been in Ireland, in the few remarks that he has made in public, he has evinced a profound knowledge of those subjects which are matter of inquiry in this Society, and a deep interest in all that affects the welfare of Ireland: and such is sufficient to secure for him a cordial reception in this Society. The resolution I propose is—‘That the cordial thanks of the Society be given to his Excellency the Lord Lieutenant for honoring the Society with his presence this evening.’”

Alderman Campbell, J.P., said:—“I feel highly honoured in being called upon to second the resolution which has just been proposed. After the observations which have been made by the learned gentleman who has preceded me it would be unnecessary—as, indeed at this late hour of the evening it might seem presumptuous—on my part to occupy at any length the attention of the meeting. Nor, happily, does the occasion require it. Even without this formal vote of thanks, his Excellency has, doubtless, perceived the gratification and the pride which his presence here this evening has afforded us. He must feel assured that the mere reading of the resolution would suffice to secure its unanimous and grateful adoption. I cannot, however, refrain from expressing the idea that as it is not unfrequently to the labours of the statistician that rulers and statesmen look for the surest lights in governing well and ameliorating the condition of the people, so may we view this gracious and early recognition of our Society by his Excellency as a happy presage of his wish to govern with wisdom, and to improve, to the utmost of his power, the country and the people. I beg to second the resolution.”

The Chairman said:—“The resolution requires no advocacy from me. I need not put it to you—you will carry it by acclamation. After such an expression of cordial feeling, no words are wanting to convey to his Excellency your respectful thanks. But bear with me for a moment. Stated seasons in the ‘ever-running year’ are fraught with sad memories to most of us, who have lived long in a world of change and sorrow; and I cannot forget on this occasion the gracious and kindly presence which often gave dignity to our meetings and encouragement to our endeavours, and which has passed from us, perhaps never to return. We mourn the absence of one whose high faculties commanded the respect of all—whose beneficent acts and gentle words won the gratitude of many, and who bound to himself with deep affection those who had the privilege of coming—as I came for years—within the immediate influence of his genial and noble nature. It is fit that we remember on a night like this the obligations which we owe him, and that we do not estimate more lightly the great honour done us by Lord Wodehouse, because his Excellency in conferring it has been justified by the example of Lord Carlisle. We mourn his loss in common with all our countrymen; but, submitting to the will of Providence, we have reason to rejoice that the Sovereign has sent to succeed him, as her representative amongst us, a nobleman whose coming was anticipated by his reputation for high intelligence and successful statesmanship—who has played a distinguished part in the conduct of great affairs amongst his own people and in foreign nations—who brings to the administration of Ireland the energy and courage of a

vigorous manhood, with the wisdom derived from a wide and ripe experience, and who is already connected with our country by dear and sacred ties. We bid him welcome to a Society with whose pursuits his trained intellect is not unfamiliar, and we recognise in the favour he bestows on us to-night another proof in addition to those which, even during his short sojourn here, he has already significantly given, of his desire to promote the material interests and the moral and social progress of the Irish people."

The resolution was carried with acclamation.

His Excellency then addressed the meeting. He said—"I cannot sufficiently thank this assembly for the more than kind manner in which they have received the resolution which you have adopted. I cannot sufficiently thank those who have proposed this resolution, and your chairman, who has spoken to it, for the terms in which they have expressed themselves towards myself. But I must say that I cannot but feel that my own merits scarcely deserve so high a eulogium as that which the learned Attorney-General has been pleased to pass upon me. All that I can say for myself is, that I have devoted myself earnestly to business, and, I believe, to very dry business; and in that capacity I have some claims to the sympathies of a Society which is devoted to the discussion and the examination of very dry and very useful details. I may also say that I chanced to be a member—not a very constant attendant, I am afraid, but a member of your distinguished sister society, the Statistical Society of London, and as a member of that society, if for no other reason, I should have been sorry to omit the opportunity of visiting your assembly. If I had wanted a precedent I should have found one in the precedent which has been so feelingly alluded to by the Attorney-General, of my distinguished and accomplished predecessor. I know no man who took a deeper interest in questions of social science. I should say that if there were questions which more than others interested his mind, from my personal acquaintance with him, having had the great pleasure and the great honor of his friendship, I should say that there were no questions which more interested his mind than questions of social science; and I am sure that the regret which has been expressed by the Attorney-General and which has been so widely expressed by all classes in this country, for his loss here, will be felt by no society and by no assembly more than by that which I now address. You have heard from the learned judge a most interesting, a most instructive, and a most useful discourse. His merits are known far beyond this country, because in England we have had opportunities of hearing and reading most instructive and useful discourses from him before. He has drawn your attention to some of the most complicated and difficult questions which can engage your attention or that of any other society. I shall only say that he has drawn your attention to them in that temperate, impartial, and fair spirit which becomes a society of this kind. The member of the Society who so kindly seconded the resolution of thanks to me, most justly observed that the labours of statisticians have been of the greatest use to politicians and statesmen. The labours of statisticians supply to statesmen a great body of useful facts, which they can make use of in preparing measures

for the discussion of the Legislature. Besides that, the labours of societies of this kind are exceedingly advantageous as bringing before the public, frequently in a condensed and more convenient shape, statistics which otherwise would lie hidden in large and ponderous blue books—blue books which really are not so disagreeable to read as they are repulsive to look at, but which contain most valuable stores of useful information, especially statistical information, and yet which still sometimes have large heaps of—I will not say rubbish—but of those kinds of leavings which we find at the entrance of mines, and which you have to put aside if you wish to obtain the more valuable ore—a task which sometimes takes rather a longer time to perform than any man engaged in political business can entirely spare, in order to get those diamonds, as I may call them, which sparkle even in the pages of those not very sparkling-looking volumes. These are useful labour of societies of this kind; and I think it is a great matter of congratulation that of late years societies such as this, and kindred societies, have, if I may so say, taken root in this country, and that they have enabled you to have calm, instructive, and useful discussions on topics which, elsewhere, it is very difficult to treat, even with the best intentions, in the same spirit. It has also borne such fruit that, without alluding to names, which in an assembly of this kind it would be invidious to do—I will, however, allude to the name of the gentleman who was so good as to move the resolution expressing the thanks of the meeting to me—but, without mentioning other names, I may say this, that the labours of societies of this kind have already produced many distinguished men who have brought the views of Irishmen before England and other countries, and have done much to raise in the opinion of the world the character of Ireland and of Irishmen for calm and scientific discussion of difficult questions, and for the collection of dry and practical facts; and I may say that, without in any respect disparaging—which I shall never do—the character of Irishmen, it is of great importance to us Englishmen that we should see, as I see around me, men who are devoting themselves to the calm examination and to the collection of facts, by the collection and examination of which you can alone form just theories and just principles. I hail, therefore, the establishment of such societies as a very hopeful sign in the progress, which I hope will continue and become more and more rapid, of the prosperity of this country.”

The meeting then separated.

SECOND MEETING.

[Tuesday, 13th December, 1864.]

The Society met at No. 35, Molesworth-street, Major-General Sir Thomas Larcom, K.C.B., V.P., in the Chair.

Mr. S. M'Curdy Greer read a paper “On the Policy of the Purchase of all the Railways of Great Britain and Ireland by the Government, and their management for the public good after the fashion of the Post Office.”

Professor Cairnes read a paper “On Co-operation in the Slate Quarries in North Wales.”

The Council having recommended for election as corresponding

members, Hon. John O'Shanessy (Ex-Chief Secretary for Victoria), Tara, Hawthorne, near Melbourne, Australia; and William Henry Archer, Esq. (Registrar-General for Victoria), Melbourne, Australia; it was moved by Dr. Hancock, seconded by Mr. Haughton, V.P., and resolved—That the Hon. John O'Shanessy and William Henry Archer, Esq. be elected corresponding members of the Society.

The ballot having been examined, the following gentlemen were declared to be duly elected members of the Society:—W. L. Barrington, Esq.; Arthur P. Cleary, Esq., Barrister-at-law; Alderman John Dillon, Barrister-at-law; John J. Dodd, Esq.; John Fallon, Esq., Barrister-at-law; Thomas J. Haslam, Esq.; John G. Hunter, Esq.; H. P. Jellett, Q.C., Esq.; John H. Kincaid, Esq.; Ferdinand Loughrane, Esq.; Alexander M'Donnell, Esq.; Charles H. Meldon, Esq., Barrister-at-law; John Monroe, Esq., Barrister-at-law; Rev. W. Fleming Stevenson; Thomas Walsh, Esq.; Alfred Webb, Esq.

THIRD MEETING.

[Tuesday, 17th January, 1865.]

The Society met at 35, Molesworth-street, Sir Robert Kane, V.P., in the Chair.

J. Lowry Whittle, Esq., read a paper "On the Patent Laws of the United Kingdom."

Edward Gibson, Esq., read a paper entitled "Railway Reform."

The ballot having been examined, the following gentlemen were declared to be duly elected members of the Society:—Thomas Grace Geoghegan, M.D.; Stanislaus J. Lynch, Esq.; John Norwood, Esq., A.M., Barrister-at-law; Charles H. Teeling, Esq.

FOURTH MEETING.

[Tuesday, 31st January, 1865.]

The Society met at 35, Molesworth-street, Edward Barrington, Esq., J.P., V.P., in the Chair.

A paper by J. J. Murphy, Esq. on "The Effects of increased Spirit Duties," was read.

John Hancock, Esq., J.P., read a paper on "The Policy of Extending the Provisions of the Towns Improvement Act (Ireland), 1854, to the Towns still under the old Paving and Lighting Act, 9 Geo. IV. c. 82."

The ballot having been examined, the following gentlemen were declared to be duly elected members of the Society:—Arthur Barrington, Esq.; James P. Byrne, Esq.; Thomas M. Fay, Esq., Barrister-at-law; William Griffin, Esq., Barrister-at-law; James Daniel Mitchell, Esq.

STATISTICAL AND SOCIAL INQUIRY

Society of Ireland.

THE object of the Society is the promotion of the study of Statistics, Jurisprudence, and Social and Economic Science. The meetings are held in each month, from November to June, inclusive, at 8 P.M. The business is divided into the following departments :—

I. Jurisprudence and the Amendment of the Law, including the subjects of the Punishment and Reformation of Criminals ;

II. Social Science, including Education ; and Political Economy, including the principles of Trade and Commerce ;

III. Public Health and Sanitary Reform ;
and is transacted by members reading at the meetings of the Society written communications, in the discussion of the same, and the publication of the proceedings in such form as the Council may approve.

No communication is read unless the Secretaries, or two of them, certify that they consider it in accordance with the rules and objects of the Society. The reading of each paper, unless by express permission of the Council previously obtained, is limited to *half an hour*.

Any communication intended to be read to the Society, should be sent to one of the Honorary Secretaries, at least one week before the days of Council meetings.

Proposals of candidate members should be sent to the Secretaries at least a *fortnight* before the meeting.

The subscription to the Society is *one pound* per annum, for *members*. Ladies, and any other persons resident beyond fifteen miles from Dublin, are admissible as *associates* at a subscription of *ten shillings*.

All communications to be addressed to the *Honorary Secretaries*,

W. NEILSON HANCOCK, LL.D.,
64, Upper Gardiner-street ;

MARK S. O'SHAUGHNESSY, ESQ.,
34, Summer-hill ;

EDWARD GIBSON, ESQ.,
20, Upper Pembroke-street.



3 0112 098440859

CONTENTS.

	PAGE
I.—Address by the President, HON. JUDGE LONGFIELD, at the Opening of the Eighteenth Session ...	129
II.—Appendix to President's Address ; being the Author's Notes upon Interference, Valuation, and Law of Distress	146
III.—Report of the Council at the Opening of the Eight- eenth Session	154
IV.—On the Dwellings of Working Men in Cities, and the efforts that have been made to improve them. By R. DENNY URLIN, Barrister-at-law	158
V.—On Railway Reform, or the Policy of the Purchase and Management by the British Government of the Railways of the United Kingdom. By SAMUEL McCURDY GREER, Esq.	165
VI.—On Railway Reform. By EDWARD GIBSON, A.M., Barrister-at-law	167
VII.—Proceedings of the Society	171